REPORT
OF THE
CONFERENCE ON DISARMAMENT

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SIXTH SESSION

SUPPLEMENT No. 27 (A/46/27)

UNITED NATIONS

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New York, 1991

NOTE

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I. INTRODUCTION

1. The Conference on Disarmament submits to the forty-sixth session of the United Nations General Assembly its annual report on its 1991 session, together with the pertinent documents and records.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. 1991 Session of the Conference

2. The Conference was in session from 22 January to 28 March, 14 May to 27 June and 23 July to 4 September 1991. During this period, the Conference held 29 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

3. The Conference also held 18 informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

4. In accordance with rule 9 of the rules of procedure, the following member States assumed successively the Presidency of the Conference: Sri Lanka, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela also for the recess until the 1992 session of the Conference.

B. Participants in the Work of the Conference

5. Representatives of the following member States participated in the work of the Conference: Algeria; Argentina; Australia; Belgium; Brazil; Bulgaria; Canada; China; Cuba; Czech and Slovak Federal Republic; Egypt; Ethiopia; France; Germany; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Kenya; Mexico; Mongolia; Morocco; Myanmar; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Sri Lanka; Sweden; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela; Yugoslavia and Zaire.

C. Agenda and Programme of Work for the 1991 Session

6. At the 578th plenary meeting on 24 January 1991, the President submitted a proposal on the provisional agenda and programme of work for the 1991 session in conformity with rule 29 of the rules of procedure. At the same plenary meeting, the Conference adopted the proposal of the President (CD/PV.578). The text of the agenda and programme of work (CD/1049) reads as follows:

"The Conference on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.

"The Conference, taking into account, inter alia, the relevant provisions of the documents of the first and second special sessions of the

General Assembly devoted to disarmament, will deal with the cessation of the arms race and disarmament and other relevant measures in the following areas:

I. Nuclear weapons in all aspects;

II. Chemical weapons;

III. Other weapons of mass destruction;

IV. Conventional weapons;

V. Reduction of military budgets;

VI. Reduction of armed forces;

VII. Disarmament and development;

VIII. Disarmament and international security;

IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;

X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

"Within the above framework, the Conference on Disarmament adopts the following agenda for 1991 which includes items that, in conformity with the provisions of section VIII of its rules of procedure, would be considered by it:

1. Nuclear-test ban.

2. Cessation of the nuclear-arms race and nuclear disarmament.

3. Prevention of nuclear war, including all related matters.

4. Chemical weapons.

5. Prevention of an arms race in outer space.

6. Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.

7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

8. Comprehensive programme of disarmament.

9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

Programme of Work

"In compliance with rule 28 of its Rules of Procedure, the Conference on Disarmament also adopts the following programme of work for its 1991 session:

22 January - 1 February	Adoption of the agenda, establishment of subsidiary bodies and their mandates, decision on participation of non-member States, and statements on all items;
4-15 February	Statements on all items, and informal presidential consultations on outstanding matters;
18 February - 28 March 14 May - 27 June 23 July - 16 August	Statements on all items, and supervision of work in subsidiary bodies;
19 August - 4 September	Final statements and consideration and adoption of Report.

"In accordance with rule 9 of the Rules of Procedure, the following Member States shall assume the Presidency of the Conference during the 1991 session as indicated below:

(a) Sri Lanka from 22 January to 17 February;

(b) Sweden from 18 February to 17 March;

(c) The Union of Soviet Socialist Republics from 18 March to 26 May, including the recess between the first and the second part of the annual session;

(d) The United Kingdom of Great Britain and Northern Ireland from 27 May to 23 June;

(e) The United States of America from 24 June to 11 August, including the recess between the second and third part of the annual session; and

(f) Venezuela from 12 August to 4 September and the recess until the 1992 session of the Conference.

"The Conference shall hold two plenary meetings a week on Tuesdays and Thursdays at 10 a.m. during the following periods: 22 January - 1 February, 25-28 March, 24-27 June and 12-23 August.* For the remaining 18 weeks of the annual session, only one plenary shall be scheduled every week, preferably on Thursdays. Flexible provisions shall, however, be made to allow for a second plenary.

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* At its 601st plenary meeting, the Conference decided to cancel the plenary meetings scheduled for Tuesday, 13 and 20 August.

"The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

"The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its last annual report (CD/1039) with a view to taking a positive decision at its 1991 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-sixth session of the General Assembly of the United Nations.

"Meetings of the subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events will meet from 11 to 22 February 1991.

"In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its Rules of Procedure."

7. At its 578th plenary meeting on 24 January 1991, the Conference decided to re-establish the Ad Hoc Committees on Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons (CD/1050) and on Radiological Weapons (CD/1051). At its 582nd plenary meeting on 14 February 1991, the Conference decided to re-establish the Ad Hoc Committees on Chemical Weapons (CD/1058), on the Prevention of an Arms Race in Outer Space (CD/1059) and on a Nuclear Test Ban (CD/1060).

D. Attendance and Participation of States not members of the Conference

8. In conformity with rule 32 of the rules of procedure, the following States non-members of the Conference attended plenary meetings of the Conference: Austria, Bangladesh, Cameroon, Chile, Colombia, Costa Rica, Democratic People's Republic of Korea, Denmark, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Malta, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Senegal, Spain, Switzerland, Syria, Tunisia, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

9. The Conference received and considered requests for participation in its work from States not members of the Conference. In accordance with the rules of procedure, the Conference invited:

(a) the representatives of Austria, Chile, Costa Rica, Finland, Greece, Malaysia, New Zealand, Norway, Oman, Portugal, Spain, Switzerland, Syria, United Arab Emirates, Uruguay and Zimbabwe to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(b) the representatives of Ireland and Viet Nam to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space and Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons;

(c) the representatives of Denmark and Turkey to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space and Radiological Weapons;

(d) the representatives of Angola and Jordan to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(e) the representative of Senegal to participate during 1991 in plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space and Radiological Weapons;

(f) the representative of Colombia to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons and the Prevention of an Arms Race in Outer Space;

(g) the representative of Cameroon to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons and Effective International Arrangements to assure Non-Nuclear Weapon States against the Use or Threat of Use of Nuclear Weapons;

(h) the representatives of Iraq and Qatar to participate during 1991 in plenary meetings and in the subsidiary bodies on Chemical Weapons, Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(i) the representatives of Bangladesh, Democratic People's Republic of Korea, Republic of Korea and Tunisia to participate during 1991 in plenary meetings and in the subsidiary bodies on Chemical Weapons and Effective International Arrangements to assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons;

(j) the representative of the Holy See to participate during 1991 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban and Chemical Weapons;

(k) the representatives of Israel and Kuwait to participate during 1991 in plenary meetings and in the subsidiary bodies on Chemical Weapons and Radiological Weapons;

(l) the representatives of Ghana, Libya and Malta to participate during 1991 in plenary meetings and in the subsidiary body on Chemical Weapons;

(m) the representatives of Angola, Austria, Chile, Colombia, Costa Rica, Finland, Ireland, Kuwait, New Zealand, Norway, Portugal, Spain, Syria, Turkey, United Arab Emirates and Uruguay to participate during 1991 in informal meetings on the substance of agenda items 2 "Cessation of the Nuclear Arms Race and Nuclear Disarmament" and 3 "Prevention of Nuclear War, including all Related Matters";

(n) the representative of Tunisia to participate during 1991 in informal meetings on the substance of agenda item 2 "Cessation of the Nuclear Arms Race and Nuclear Disarmament";

(o) the representative of Chile to participate in the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events.

E. Expansion of the membership of the Conference

10. The urgency attached to the question of the expansion of its membership is duly recognized by the Conference.

11. Requests for membership had been received from the following non-members, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon, Greece, Zimbabwe, New Zealand, Chile, Byelorussian SSR and Switzerland.

12. During its 1991 session, the Presidents of the Conference conducted continuing consultations with the members, in accordance with established practice, on the selection of additional members. They reported to the plenary at various stages on those consultations (CD/PV.587, CD/PV.592, CD/PV.596 and CD/PV.601). Members of the Conference also engaged in consultations on this important question. Those consultations were held in pursuance of paragraphs 14 and 15 of the report of the Conference to the forty-fifth session of the General Assembly (CD/1039). In that connection, the Conference recalled its earlier decision that its membership might be increased by not more than four States and that candidates for membership should be nominated, two by the Group of 21, one by the Group of East European and other States* and one by the Western Group so as to maintain balance in the membership of the Conference. The Western Group recalled that its

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* The reference to the Group of East European and other States here and elsewhere in the Report includes the following States: Bulgaria; Czech and Slovak Federal Republic; Hungary; Poland; Romania; and the Union of Soviet Socialist Republics.

candidate for membership was Norway (CD/PV.351). The Group of 21 noted that it would select its candidates when there is agreement on concrete ways and means for implementing the above-mentioned decision. One delegation officially proposed that the present membership be increased to 44, by one new member each from Africa, Asia, Latin America and Europe, as well as one European neutral State to fill the vacancy left by a member during 1990 (CD/PV.591). This proposal did not enjoy consensus during the 1991 session. The view was expressed that the expansion of the membership of the Conference should be examined with caution, as a new balance was developing in international relations. Another view was expressed that this issue, after more than 10 years of deliberations, required urgent decision.

13. The Conference will continue its consultations with a view to taking a positive decision at its next annual session and will inform accordingly the forty-seventh session of the General Assembly of the United Nations.

F. Improved and Effective Functioning of the Conference

14. Pursuant to paragraph 18 of the last annual report to the General Assembly of the United Nations (CD/1039), the President of the Conference conducted consultations on its improved and effective functioning at the beginning of the annual session and decided to appoint Ambassador Ahmad Kamal of Pakistan to consult bilaterally with the members of the Conference, to determine whether there would be common ground for addressing certain issues relating to that question (CD/PV.581). On the basis of the report of Ambassador Kamal, the Conference decided to hold informal open-ended consultations on that subject (CD/PV.586), to be chaired by him as in the previous annual session.

15. Six informal open-ended consultations were held during the annual session. The Chairman submitted his report (CD/WP.410) to the Conference on such consultations. At its 603rd plenary meeting on 22 August 1991, the Conference took note with appreciation of that report.

16. At the same plenary meeting, the President of the Conference made the following statement:

> "In connection with Rules 34 and 35 of the Rules of Procedure, which deal specifically with invitations to States non-members to participate in the work of the Conference, it is the sense of the Conference that the Secretariat shall apply the current practice as follows:
>
> "1. Non-member States invited by the Conference to participate in its work may, unless decided otherwise by the Conference, participate in formal plenary meetings, informal plenary meetings on substantive items of the agenda, and meetings of subsidiary bodies established in accordance with Rule 23, without having to specify in advance which ones.

> "2. As regards seating arrangements, non-member participants shall be seated in meetings following the English alphabetical list, beginning with the non-member whose name will be drawn by lot by the President immediately after the initial decision is taken by the Conference at the beginning of the year on requests for participation, and rotate at the same time as the Conference."

17. The Conference will continue consideration of its improved and effective functioning at its next annual session, on the same format and under the same Chairmanship as in the previous two years.

G. Communications from Non-Governmental Organizations

18. In accordance with rule 42 of the rules of procedure, a list of all communications from non-governmental organizations and persons were circulated to the Conference (document CD/NGC.23).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1991 SESSION

19. The substantive work of the Conference during its 1991 session was based on its agenda and programme of work. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1991, and the verbatim records of the meetings of the Conference, are attached as appendix II to the report.

20. The Conference had before it a letter dated 14 January 1991 from the Secretary-General of the United Nations (CD/1045) transmitting all the resolutions on disarmament adopted by the General Assembly at its forty-fifth session in 1990, including those entrusting specific responsibilities to the Conference on Disarmament:

45/49	"Cessation of all nuclear-test explosions"
45/51	"Urgent need for a comprehensive nuclear-test-ban treaty"
45/54	"Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
45/55 A	"Prevention of an arms race in outer space"
45/57 A	"Chemical and bacteriological (biological) weapons"
45/58 F	"Prohibition of the development, production, stockpiling and use of radiological weapons"
45/58 G	"Conventional disarmament"
45/58 J	"Prohibition of attacks on nuclear facilities"
45/58 K	"Prohibition of the dumping of radioactive wastes"

45/58 L	"Prohibition of the production of fissionable material for weapons purposes"
45/58 P	"Regional disarmament"
45/59 B	"Convention on the Prohibition of the Use of Nuclear Weapons"
45/62 C	"Cessation of the nuclear-arms race and nuclear disarmament and prevention of nuclear war"
45/62 D	"Report of the Conference on Disarmament"
45/62 E	"Comprehensive programme of disarmament"
45/66	"Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons".

21. At the 577th plenary meeting of the Conference on 22 January 1991, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1991 session (CD/PV.577).

22. In addition to documents separately listed under specific items, the Conference received the following:

(a) Document CD/1043, dated 17 January 1991, submitted by the delegation of France, entitled "Text of the Charter of Paris for a New Europe, which was signed at the Conclusion of the Summit Meeting of the Conference on Security and Cooperation in Europe, held in Paris from 19 to 21 November 1990, together with the Accompanying Supplementary Document".

(b) Document CD/1044, dated 17 January 1991, submitted by the delegation of France, entitled "Text of the Joint Declaration of Twenty-Two States participating in the Conference on Security and Co-operation in Europe, signed in Paris on 19 November 1990".

(c) Document CD/1047, dated 24 January 1991, submitted by the delegations of Argentina and Brazil, entitled "Argentine-Brazilian Joint Declaration on Nuclear Policy issued at Foz do Iguazu, Brazil, on 28 November 1990".

(d) Document CD/1064, dated 21 February 1991, submitted by the delegation of the Netherlands, entitled "Official Text of the Treaty on Conventional Armed Forces in Europe signed in Paris on 19 November 1990".

(e) Document CD/1070, dated 4 March 1991, submitted by the delegation of Austria, entitled "Vienna Document 1990 of the Negotiations on Confidence- and Security-building Measures convened in accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Cooperation in Europe".

(f) Document CD/1071, dated 4 March 1991, submitted by the delegation of Hungary, entitled "Text of the Statement adopted at the Special Meeting of the Political Consultative Committee of the Warsaw Treaty, held in Budapest on 25 February 1991".

(g) Document CD/1079, dated 3 June 1991, submitted by the delegation of France, entitled "Text of the Arms Control and Disarmament Plan submitted by France on 3 June 1991".

(h) Document CD/1091, dated 24 July 1991, submitted by the delegation of Pakistan, entitled "Statement made by His Excellency, Mr. Nawaz Sharif, Prime Minister of The Islamic Republic of Pakistan, on 6 June 1991 at The National Defence College, Rawalpindi, Pakistan".

(i) Document CD/1098, dated 12 August 1991, submitted by the delegation of Egypt, transmitting a letter dated 21 July 1991 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General of the United Nations concerning the Recent Proposals on Arms Limitation and Disarmament in the Middle East.

(j) Document CD/1103, dated 19 August 1991, submitted by the delegation of France, entitled "Communiqué issued following the Meeting of the Five on Arms Transfers and Non-Proliferation (Paris, 8 and 9 July 1991)".

(k) Document CD/1109, dated 28 August 1991, submitted by the delegation of India, entitled "Letter addressed to the Secretary-General of the Conference on Disarmament by the Representative of India on 28 August 1991".

(l) Document CD/1110, dated 29 August 1991, submitted by the delegation of China, transmitting the Texts of Two Statements by Mr. Liu Huaqiu, Vice-Foreign Minister of China and Chairman of the Chinese Delegation, at the Meeting of the Five Permanent Members of the Security Council on Arms Control in the Middle East held in Paris on 8 and 9 July 1991.

A. Nuclear Test Ban

23. The Conference had before it the progress reports (CD/1065 and CD/1097) on the thirty-first and thirty-second sessions of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events. The Ad Hoc Group met from 11 to 21 February and from 29 July to 9 August, under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 592nd and 603rd plenary meetings on 23 May and 22 August 1991, the Conference adopted the recommendations contained in the progress reports. A number of delegations commented on the work of the Ad Hoc Group and advanced suggestions relating to its future activities.

24. The list of new documents presented to the Conference under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

25. At its 605th plenary meeting on 4 September 1991, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference

under the agenda item at its 582nd plenary meeting (see para. 7 above). That report (CD/1106) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament adopted the following decision on the re-establishment of an ad hoc committee under item 1 of its agenda entitled "Nuclear Test Ban" (CD/1060):

> 'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 1 of its agenda entitled "Nuclear Test Ban".
>
> 'The Conference requests the Ad Hoc Committee to initiate, as a first step towards achieving a nuclear test ban treaty, substantive work on specific and interrelated test ban issues, including structure and scope as well as verification and compliance.
>
> 'Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives. In addition, it will draw on the knowledge and experience that have been accumulated over the years in the consideration of a comprehensive test ban in the successive multilateral negotiating bodies and the trilateral negotiations.
>
> 'The Conference also requests the Ad Hoc Committee to examine the institutional and administrative arrangements necessary for establishing, testing and operating an international seismic monitoring network as part of an effective verification system of a nuclear-test-ban treaty. The Ad Hoc Committee will also take into account the work of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events.
>
> 'The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1991 session.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At that same plenary meeting on 14 February 1991, the Conference on Disarmament appointed Ambassador I.S. Chadha of India as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Department of Disarmament Affairs served as Secretary.

"3. A delegation of a nuclear-weapon State did not participate in the work of the Ad Hoc Committee. A number of delegations regretted this absence and expressed the hope that it would reconsider its position at an early date.

"4. The Ad Hoc Committee held 17 meetings from 21 February to 22 August 1991. In addition, the Chairman conducted a number of informal consultations with delegations.

"5. At their request, the representatives of the following 24 States not Members of the Conference were invited to participate in the work of the Ad Hoc Committee: Angola, Austria, Cameroon, Chile, Colombia, Costa Rica, Denmark, Finland, Greece, Holy See, Ireland, Jordan, Malaysia, New Zealand, Norway, Oman, Spain, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, Uruguay, Vietnam and Zimbabwe.

"6. The following official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1054, dated 4 February 1991, submitted by Indonesia, Mexico, Peru, Venezuela, Yugoslavia and Sri Lanka entitled 'Letter dated 4 February 1991 from the Representatives of Indonesia, Mexico, Peru, Venezuela, Yugoslavia and Sri Lanka addressed to the President of the Conference on Disarmament transmitting Draft Protocol II of Amendment to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water'.

- CD/1060, dated 14 February 1991, entitled 'Mandate for an ad hoc committee under agenda item 1'.

- CD/1066, dated 8 March 1991, submitted by the delegation of the United States, entitled 'Letter dated 28 February 1991 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of the 1974 Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests, together with its Protocol'.

- CD/1067, dated 8 March 1991, submitted by the delegation of the United States, entitled 'Letter dated 28 February 1991 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of the 1976 Treaty between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes, together with its Protocol'.

- CD/1068, dated 8 March 1991, submitted by the delegation of the Union of the Soviet Socialist Republics, entitled 'Letter dated 28 February 1991 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the text of the 1974 Treaty between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Underground Nuclear Weapon Tests, together with the Protocol thereto'.

- CD/1069, dated 8 March 1991, submitted by the delegation of the Union of the Soviet Socialist Republics, entitled 'Letter dated 28 February 1991 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the text of the 1976 Treaty between the Union of Soviet Socialist Republics and the United States of America on Underground Nuclear Explosions for Peaceful Purposes, together with the Protocol thereto'.

- CD/1081, (also issued as CD/NTB/WP.13), dated 11 June 1991, submitted by the delegations of Australia and New Zealand, entitled 'Verification of a Comprehensive Test Ban'.

- CD/1089, (also issued as CD/NTB/WP.14), dated 31 July 1991, submitted by the delegation of Sweden, entitled 'Letter dated 9 July 1991 from the Head of the Swedish Delegation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a Draft Comprehensive Test-Ban Treaty and its annexed Protocols'.

- CD/1094, dated 7 August 1991, submitted by the delegation of Canada, entitled 'Letter dated 2 August 1991 from the Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting the Arms Control Verification Occasional Paper No. 8, entitled "Nuclear Test Ban Verification: Recent Canadian Research in Forensic Seismology"'.

"In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.13 (also issued as CD/1081).

- CD/NTB/WP.14 (also issued as CD/1089).

"The following conference room papers were before the Ad Hoc Committee:

- CD/NTB/CRP.9, dated 25 February 1991, entitled 'Indicative Schedule of Meetings'.

- CD/NTB/CRP.10, dated 12 March 1991, submitted by the delegation of Mexico, entitled 'Working paper on the link between the provisions of the NPT regarding nuclear disarmament measures and those regarding the review conferences and the limited duration of the Treaty'.

- CD/NTB/CRP.11/Rev.1, dated 16 May 1991, submitted by the Chair, entitled 'Chairman's Summary of General Debate'.

- CD/NTB/CRP.12, dated 31 May 1991, prepared by the Secretariat, entitled 'Composite Paper containing elements of Multilateral Treaties relating to Nuclear Explosions for Peaceful Purposes (PNES)'.

- CD/NTB/CRP.13, dated 13 June 1991, submitted by the Chair, entitled 'Chairman's Summary on Structure and Scope'.

- CD/NTB/CRP.14/Rev.1, dated 6 August 1991, submitted by the Chair, entitled 'Chairman's Summary on Verification and Compliance'.

- CD/NTB/CRP.15/Rev.2, dated 20 August 1991, entitled 'Draft Report of the Ad Hoc Committee on a Nuclear Test Ban'.

"Furthermore, upon the request of the Ad Hoc Committee, the Secretariat compiled a paper containing the three Terms of reference of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events (CD/NTB/INFORMAL of 11 June 1991).

"III. SUBSTANTIVE WORK DURING THE 1991 SESSION

"7. At its first meeting on 21 February 1991, the Ad Hoc Committee decided to organize its work based on the items contained in its mandate. The matrix prepared by the Chairman of the Ad Hoc Committee in 1990 served as an unofficial guide to discussions throughout the session. A same number of meetings were devoted to the following three items: general debate; structure and scope; and verification and compliance (see Indicative Schedule of Meetings, CD/NTB/CRP.9). Furthermore, in accordance with its mandate, to also take into account the work of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events, the Ad Hoc Committee invited the Ad Hoc Group to a meeting on 1 August 1991.

"8. The report is structured along the lines agreed by the Ad Hoc Committee in its division of labour and views of delegations are reflected under the three main items considered. In order to assist the Ad Hoc Committee, and strictly on his own behalf, the Chairman presented summaries of the debates on the three main topics (see CD/NTB/CRP.11/Rev.1, CRP.13 and CRP.14/Rev.1). These summaries were neither endorsed nor discussed by the Ad Hoc Committee.

"9. The work of the Ad Hoc Committee took place in the light of the many views that had been expressed in plenary meetings of the Conference throughout the 1991 session as contained in its official records.

"General Debate

"10. Many views were expressed on general issues related to a nuclear test ban both during the four meetings the Ad Hoc Committee devoted to general debate and throughout the remaining meetings. The comments made during the general debate on structure and scope and verification and compliance are summarized under their respective sections below. The exchange of views underlined the importance all delegations attached to multilateral consideration of a nuclear test ban. It was also welcomed as useful in laying the groundwork for the further consideration of the other two clusters of items that were taken up, namely, structure and scope; and verification and compliance.

"11. The early re-establishment of the Ad Hoc Committee in 1991 was welcomed by all delegations as it gave ample opportunity for delegations to address the many political and technical issues of relevance to a nuclear test ban.

"12. The Group of 21 continued to stress the need for the Ad Hoc Committee to be provided with a negotiating mandate. One delegation of the same group stated that it had joined the consensus for the re-establishment of the Ad Hoc Committee with a non-negotiating mandate only for 1991 and that if the Ad Hoc Committee was not provided with a negotiating mandate next year, it would be pointless to carry on a sterile exercise. Delegations of the Western group maintained that the current mandate of the Ad Hoc Committee allowed for genuine progress on the issues of a nuclear test ban.

"13. There continued to be a general acceptance of the final goal of a nuclear test ban. However, differences remained on its timing and modalities. Many delegations of the Group of 21 stressed again that for them a nuclear test ban remained an absolute priority to halt the quantitative and especially the qualitative arms race, since they believed it would prevent the development of a new generation of nuclear weapons. For delegations of the Western group, a nuclear test ban remained a long-term goal and had to be seen in the context of the wider disarmament process. They pointed out that even without a nuclear test ban, at least two nuclear-weapon States had begun a process of quantitative nuclear disarmament, viz., the INF Treaty and the cuts to be enacted under the START Treaty. It was clear to the delegations of the Group of 21 that what they considered a justified fear of the devastating consequences of the use of nuclear weapons had encouraged many States to advocate a halt to nuclear weapon tests. They pointed out that the achievement of a nuclear test ban was only a partial measure in the overall goal of complete nuclear disarmament, and its importance could not be belittled in this context. They added, however, their belief that cuts envisaged under START could actually lead to the modernisation of existing nuclear arsenals.

"14. Many references were made to the recent political changes that have taken place in the world. Many delegations stated that the improved international climate held opportunities in the field of nuclear disarmament which should not be squandered. The INF Treaty and the recent signature of the START Treaty were encouraging signs of deep changes in this field. In the area of nuclear testing, many delegations welcomed the ratification of the USSR/United States Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET). Some delegations called upon the USSR and United States to continue the phased process of negotiations towards reducing the yield and number of their nuclear tests. The call to the two bilateral negotiators to continue the practice of providing the Conference on Disarmament with information on the status of their plans for future negotiations was reiterated.

"15. Delegations of the Group of 21 recalled the numerous resolutions of the General Assembly adopted by overwhelming majorities over many years calling for an immediate halt to nuclear testing. They also recalled the many initiatives over the years on the subject, including the Six-Nation Initiative of 1986, which presented, in their view, a concrete offer for the adequate verification of a nuclear test ban. Many delegations of the Group of 21 stated that the convening in 1991, upon the request of one-third of the States Parties, of the first substantive session of the Amendment Conference of the Partial Test Ban Treaty also was an expression of the urgency attached to the achievement of a nuclear test ban by a vast majority of the international community. Some delegations of the Group of 21 suggested that the lack of agreement on a final declaration at the 1990 Fourth Review Conference of the Non-Proliferation Treaty was also a reflection of the concern of the majority of the States Party to that Treaty over the lack of progress towards the achievement of a nuclear test ban.

"16. The security implications of nuclear testing were discussed, with particular emphasis on its relationship to nuclear deterrence. The NATO Declaration made in London in 1990 (see CD/1013) to the effect that the Alliance would reduce its reliance on nuclear weapons was recalled by those members of the Western group concerned. They stated that the NATO Alliance was reviewing its policy with respect to nuclear weapons, but that, for the foreseeable future, NATO security would depend in part on such weapons. For that reason, NATO States continued to see a requirement to conduct tests to keep nuclear weapons safe, secure, reliable and up-to-date. It was also felt that prospects to reduce nuclear weapons to a minimum were good and that a concomitant reduction of nuclear tests to a minimum would follow. In this context, support for the step-by-step approach for the realization of a comprehensive test ban was again reiterated by delegations of the Western group of States.

"17. In this context, most Western delegations committed themselves to the step-by-step approach, as a realistic approach for the achievement of a comprehensive nuclear test ban. They considered that the ratification of the TTBT and PNET together with the new verification Protocols represented an important step towards this goal and a partial fulfilment of this commitment. In their view, the step-by-step approach should reduce the quantity and yield of nuclear testing still further whenever political and technical conditions so allowed. They felt that it should be recognized that the Western nuclear Powers already kept their nuclear test programmes to the minimum necessary to meet national security requirements and that, as a consequence, the overall number of nuclear explosions between 1983 and 1990 had already decreased to one-third of the initial level.

"18. A nuclear-weapon State belonging to the group of East European and other States expressed a continued commitment to the early achievement of a comprehensive test ban as not only a measure to curb the nuclear arms race, but an important means of promoting non-proliferation of nuclear weapons as well. Based on this assessment of the importance of the role of a nuclear test ban in world affairs, it was prepared to use all possible ways and means in order to reach its early resolution - be it through bilateral negotiations or multilateral efforts, through widening the scope of the 1963 Moscow Treaty or through a joint declaration together with the major nuclear-weapon State belonging to the Western group on a nuclear tests moratorium. It held the view that a step-by-step approach to the achievement of a comprehensive ban was justifiable. It pointed to that approach in its bilateral negotations on nuclear testing with the major nuclear-weapon State belonging to the Western group and stressed that the first goal of those negotiations had been reached with the ratification of the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976 and their attached Protocols. It underlined support for a continuation of negotiations to consider further limitations on the quantity and yield of nuclear tests. It restated its conviction that a final resolution of the problem of stopping nuclear tests required focusing the efforts of the relevant multilateral bodies as well. In its view, bilateral and multilateral efforts may and should complement each other. It was of the opinion that such a representative forum as the Conference on Disarmament would also make its tangible contribution to the solution of this problem through its Ad Hoc Committee. It also considered that Draft Protocol II of Amendment to the PTBT and the submission of the revised Draft Comprehensive Test Ban Treaty by one delegation belonging to the Group of 21 as important steps towards a nuclear test ban.

"19. A nuclear-weapon State member of the Western Group reaffirmed that nuclear weapons continued to play a critical role in its national security strategy, as well as in the national security strategies of its allies. So long as this is the case, it stated that it must be free to conduct nuclear tests to ensure the safety and credibility of its forces. While a CTB remained a long-term objective, it believed that such a ban must be viewed in the context of a time when States do not need to depend on nuclear deterrence to ensure international security and stability. It held that when broad, deep, and effectively verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces was achieved, a CTBT could be attainable. This State believed that the best way to address the threat posed by nuclear weapons and to further the aims of nuclear arms control was through the reduction of nuclear weapons. It maintained that the recent signing of the START Treaty represented a major achievement in securing a more stable, predictable balance at lower levels of nuclear force. It noted that the agreement included a major reduction in the most destabilizing and dangerous weapons, land-based ballistic missiles and their warheads, and placed restrictions on specific types of strategic weapons and that a further important aspect of the START Treaty was its contribution to increasing predictability and transparency. It believed that unlike the START Treaty, a CTB would not result in any reduction in existing arsenals, nor deal with the threat posed by nuclear weapons. It pointed out that contrary to the beliefs of some, even the most effective seismic monitoring system was only one element of effective verification. It reaffirmed that the question of a nuclear test ban should be dealt with on the basis of a step-by-step approach. It welcomed the re-establishment of the Ad Hoc Committee with a non-negotiating mandate, and stressed that it would contribute fully as well as share the results of its research in relevant technologies.

"20. Another nuclear-weapon State belonging to the Western group stated that it undertook nuclear tests because, with its NATO Allies, it believed that war was best prevented by keeping a sensible mix of conventional and nuclear weapons which would present any possible aggressor with risks out of proportion to any possible gain. Its nuclear forces represented the minimum required for preventing war; to be a sure deterrent, they must be kept effective and up-to-date and for the present that required testing. It therefore supported a comprehensive ban on all nuclear tests only as a long-term goal.

"21. Yet another nuclear-weapon State not belonging to any group restated that it understood the urgent desire of the Third World countries and the non-nuclear-weapon States for a nuclear test ban at an early date. It reiterated the importance that it attached to the issue of a nuclear test ban in the context of its continued stand in favour of the complete prohibition and thorough destruction of all nuclear weapons. It again repeated that in order to stop the nuclear arms race and achieve nuclear disarmament, the two States possessing the largest nuclear arsenals should take the lead in halting the development, production and deployment of all nuclear weapons and drastically reducing their nuclear arsenals. It welcomed the constructive discussions in the Ad Hoc Committee, in which it would continue to participate and take an active part.

"22. The Group of 21 delegations expressed the view that since the Cold War had ended and in the light of some of the political and security changes underway in Europe, the reasons for reliance by some States on nuclear deterrence seemed no longer valid. The Group maintained the position that nuclear deterrence cannot ensure international security and stability, particularly in the context of the new positive international climate. A nuclear-weapon State belonging to the Western Group said that the significance of nuclear weapons in its nuclear deterrence doctrine and that of its allies had evolved over the years in response to changing requirements. It stated that the collective thinking in the Atlantic Alliance about nuclear weapons had undergone a shift in response to the dramatic political and military changes in Europe over the past two years. It pointed to the most recent evolution in their approach, the new strategy recorded in the London communiqué of 5-6 July 1990 (see CD/1013), in which nuclear forces would be truly weapons of last resort. It added that major developments cannot be predicted in today's world which is characterized by great uncertainty nor could future security requirements be predicted; political, economic, and social changes had unleashed forces whose effects were not foreseeable.

"23. Delegations of the Group of 21 continued to stress that the central purpose of nuclear testing was the modernization of nuclear weapons. In particular, they felt that a comprehensive nuclear test ban would help to halt the next round of the vertical nuclear arms race, namely, the development of 'third' generation weapons or 'directed energy' weapons. They felt that, while horizontal proliferation was a hypothetical possibility, there were well-documented facts regarding vertical proliferation of nuclear warheads and infrastructures of the nuclear-weapon States. They believed also that the spatial spread of arsenals and infrastructures to the high seas and the territories of countries far removed and the extension of at least the infrastructure to outer space had totally nuclearized the globe. They felt that a general acceptance had developed that a nuclear test ban would stem proliferation both vertically and horizontally and serve to fulfil genuine and universal non-proliferation concerns.

"24. A nuclear-weapon State belonging to the Western group held the view that a nuclear test ban would not be a guarantee against horizontal nuclear non-proliferation as it was possible that a first generation nuclear device could be developed without testing. Furthermore, it also held the view that, even without a halt to testing, the numbers of nuclear weapons were being reduced. It also questioned the statement that a halt to nuclear testing would stem the development of a 'third' generation of nuclear weapons since, in its view, such a development would represent a quantum leap into new technology. It stated that nuclear non-proliferation was best addressed through regional cooperation in peaceful nuclear programmes as well as through effective international controls over nuclear weapons technology and materials.

"25. Some delegations of the Group of 21, States Party to the NPT, reiterated the importance they attached to the strengthening of that Treaty. Comments were made on the results of the Fourth Review Conference of the Treaty held in 1990. They reiterated again the historical link between progress on nuclear disarmament and towards a nuclear test ban and the future extension of the Non-Proliferation Treaty beyond 1995, and the commitments made by nuclear-weapon States were recalled in detail by delegations of the Group of 21. As a contribution to the discussion, a background paper on the historical link between nuclear disarmament measures and the extension of the Treaty was presented to the Ad Hoc Committee (see CD/NTB/CRP.10) by one delegation of the Group of 21. Some delegations of the Western group of States felt that the frustration experienced by some Parties to the Treaty over the question of a nuclear test ban, which was reflected in the inability of the Conference to adopt a final declaration, should be redressed by dialogue on the subject and not by confrontation. Some delegations of the Western Group of States stated that no such commitments as mentioned by the Group of 21 had been made and that there should be no link between a nuclear test ban and the extension of the Non-Proliferation Treaty.

"26. The nuclear-weapon States were asked whether they could provide a breakdown of data, based on published results, on their nuclear testing which would indicate separately the number of tests conducted/needed for development of weapons or for stockpile reliability. In response, they explained that a breakdown of data on nuclear testing could not be easily categorized.

"27. The proposal in the Six-Nation Initiative for a moratorium on nuclear-weapon testing pending the conclusion of a comprehensive test ban treaty was recalled by delegations of the Group of 21.

"28. Views were expressed on the Amendment Conference to the 1963 Partial Test Ban Treaty which took place in January this year. It was felt by the Group of 21 delegations Party to the Partial Test Ban Treaty that developments from the Conference should be taken into account and, in particular, there should be a discussion on the Draft Protocol II on verification of the proposed amendment to the PTBT, presented to that Conference and subsequently to the Conference on Disarmament by Indonesia, Mexico, Peru, Sri Lanka, Venezuela and Yugoslavia in document CD/1054. Some comments made on the Draft Protocol are summarized under the Verification and Compliance section. It was stated by the Group of 21 delegations Party to the PTBT that progress in the Ad Hoc Committee would be a test of those delegations which had participated in the Amendment Conference and which had pledged their readiness to pursue a debate on a comprehensive test ban through the Conference on Disarmament.

"29. Discussions also focused on the possible negative effects of nuclear testing on health and the environment. Many delegations, members and non-members of the Conference, expressed the view that recent reports pointed to concerns over environmental and health effects in regions where nuclear tests were carried out. In that connection, several references were made to the report of the United Nations Secretary-General containing a comprehensive update of the Comprehensive Study on Nuclear Weapons (A/45/373) and other reports and articles. One delegation of a nuclear-weapon State belonging to the Western group stated that the entry into force of the Partial Test Ban Treaty, and the adherence to its terms by two other nuclear-weapon States to conduct underground tests, combined with the sophistication of technology for containing underground tests, had minimized concern over negative environmental effects. It referred to the 1989 Report of the United States

Office of Technology Assessment, which stated that all the United States' testing is performed under rigidly controlled conditions to minimize the potential impact of the tests on the environment and on public safety. The Group of 21 expressed the view that the goal of the Committee was not to seek clean nuclear underground tests and, therefore, environmental and health concerns related to underground testing should not take precedence over the political goal of a nuclear test ban treaty since the major objective of such a treaty was to prevent the production of a new generation of nuclear weapons.

"30. One delegation of the Group of 21 put forward a draft Comprehensive Test-Ban Treaty (see CD/1089 and CD/NTB/WP.14), which was a revised and considerably extended version of a draft Treaty submitted by the same delegation in 1983 (CD/381). This delegation stated in the course of introducing its proposal that the new draft was put forward against a background of recent improvements in the international climate. It stressed that the General Assembly of the United Nations had year after year underscored the urgent need for a comprehensive nuclear-test-ban treaty. It maintained that an end to nuclear testing would be a clear manifestation of a genuine will to pursue nuclear disarmament and would be a way of curbing horizontal and vertical proliferation. It felt that there was also widespread concern about the collateral effects of nuclear testing. It stated that the draft submitted was intended as a basis for consideration in the Ad Hoc Committee and in due course as an input to negotiations. It underlined that the new draft had taken into account rapid scientific and technological developments. It pointed to the major changes that had been undertaken with regard to the Protocols, dealing with a verification system and organizational matters. It believed that technical achievements in the field of verification were such that effective international verification of a CTBT was possible. It also considered that given a political preparedness to conclude a CTBT, the effectiveness of the verification regime was largely a question of the amount of resources allocated for the purpose. It pointed to the measures contained in the draft Treaty, such as seismic monitoring, surveillance of airborne radioactivity, satellite observations and on-site inspection, aimed at establishing an effective verification system. It also pointed to the operational manuals the draft Treaty proposes to be established to guide the operation of the various components of the verification system. It also described the proposed Organization of the draft Treaty, which was to oversee the overall functioning of the Treaty and its verification arrangements: it was proposed to consist of the Conference of the States Parties as the principal organ; the Executive Council as the executive organ of the Conference to promote the practical implementation and operation of the Treaty and its verification arrangements; and a Technical Secretariat to conduct the day-to-day operation of the Treaty. The Ad Hoc Committee offered preliminary comments on this document. A number of delegations welcomed the proposal as an important contribution to the future work of the Ad Hoc Committee. One Western nuclear-weapon State questioned whether the scope and the definition of a nuclear-weapon State contained in the draft treaty effectively addressed the concerns raised in the Ad Hoc Committee. Other delegations stated that if a definition were to be attempted there would always be a possibility of a certain category being excluded which would be detrimental to the treaty in the future. As to the issue of a definition of a nuclear-weapon State, those delegations also stated that another relevant Treaty already contained such a definition, which was why it was retained in the draft Treaty presented.

"Structure and Scope

"31. For delegations of the Group of 21, 'Structure' meant dealing with the following elements, inter alia:

- Preamble
- Scope
- Verification
- Compliance
- Organization.

"Furthermore, they felt that these elements were interrelated and should be dealt with as such. Provisions of existing multilateral and bilateral instruments could be taken into account for this purpose. It was mentioned that the structure could consist of three basic elements, namely, the scope of the instrument as such, the link between States Parties to the instrument and consistency with the verification system for the treaty, matters relating to the duration of the instrument as well as the question of the depository. The possibility of up-dating the structures of the treaty in tune with developing needs was advanced.

"32. Delegations belonging to the Western group stated that the structure of a future nuclear-test-ban treaty was part and parcel of negotiations on a nuclear test ban. Hence, they reiterated that it was inappropriate to discuss this question at the stage which the Ad Hoc Committee had reached in its discussions. However, they underscored that the Ad Hoc Committee could consider the various elements that would form a part of eventual negotiations on the subject.

"33. As to the scope of a future nuclear-test-ban treaty, some delegations of the Group of 21 stated that it was clearly spelt out in the Preamble of the Partial Test Ban Treaty of 1963 and should contain the following three elements:

"(i) it should cover all States including the five existing nuclear-weapon States;

"(ii) it should extend the prohibition on testing of nuclear weapons to the underground environment;

"(iii) it should do so for all time.

"Reference was made to the agreement contained in the Trilateral Negotiators Report of 1980 (CD/130 of 30 July 1980) with respect to the scope of a future nuclear-test-ban treaty. Some delegations belonging to the Group of 21 stated that during the earlier consideration of a comprehensive test ban treaty, peaceful nuclear explosions had always been assigned a separate role. Also, the original intention of the PTBT clearly was to maintain a dividing line between nuclear explosions for military purposes, which were to be prohibited entirely and nuclear explosions for peaceful purposes, to be allowed under certain conditions. All the existing international agreements which referred to nuclear tests contained separate provisions for peaceful nuclear explosions. These delegations expressed the view that the scope of a future treaty should be consistent with what the Preamble of the PTBT seeks to achieve and to ensure that the majority of nations were not denied the full benefits of technological advancement in the nuclear field, while a handful of States were left free to do so. The interests of the non-nuclear-weapon States had to be taken into account on the basis of complete equality with the interests of the nuclear-weapon States. In this context the provisions contained in the Treaty of Tlatelolco, and the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty, suggesting differentiation between nuclear explosions for military purposes and peaceful nuclear explosions, were specifically recalled by some delegations of the Group of 21. Another delegation of this Group stated that with regard to the Structure and Scope, as to what a CTBT could be, in principle, it should be total, but it should not close the door definitively to possible peaceful use if this is seen to be necessary in proper environmental and security conditions that would not harm the position of any State.

"34. Delegations belonging to the Western group of States underlined that the technology for a peaceful nuclear explosion was indistinguishable from an explosion for military purposes. They discussed at length the early optimism which existed on the potential uses of nuclear explosions for peaceful purposes and described the large number of explosions that were conducted to try and demonstrate their feasibility. The conclusions reached by them were that peaceful nuclear explosions were not economically nor environmentally feasible. They pointed out that peaceful nuclear explosives were sophisticated and that the physics, technical know-how, and nuclear materials required were quite similar to those required for military nuclear explosives, in that size, compactness, and rugged designs were stated goals for both peaceful and military explosives. They brought to the Ad Hoc Committee's attention the conclusions reached by many experts including those from the United Nations Comprehensive Study on Nuclear Weapons (A/45/373) which concluded that five major arms limitation and disarmament treaties attest to the similarity of nuclear explosive devices for military and for peaceful purposes.

"35. It was suggested by some delegations belonging to the Western group that the Ad Hoc Committee might need to elaborate the definition of a nuclear explosion, with the advice of technical experts. Several delegations belonging to the Group of 21, however, pointed to the complexities involved in the possible development of an agreed definition of nuclear explosions. They stated that if a definition was attempted, there would always be the possibility of a certain category being omitted, which could cause difficulty for the treaty regime at a later date, and that it was not necessary to do so. Some delegations of the Western group of States stated that a definition of a nuclear explosion was critical to the discussion on the nuclear test ban issue. The questions of computer simulations, laboratory tests and contained nuclear explosions were also discussed. In this respect, a delegation of the Group of 21 stressed the importance of peaceful nuclear explosions and their technical and economic value and the need to keep open in any multilateral agreement the utilization of computer simulations, laboratory tests and contained nuclear explosions.

"36. It was suggested by some delegations belonging to the Group of 21 as well as to the Western group that the question of agreeing on the lowest verifiable limit, i.e. threshold of nuclear explosions, be taken up. The view was expressed that this issue was directly linked to the consideration of verification of a nuclear test ban. It was suggested in this context by some delegations of the Group of 21 that even a one kiloton threshold would seriously impair the development of a third generation of nuclear weapons. One delegation presented examples of what could be achieved in the laboratories below the one kiloton threshold. It stated that the Ad Hoc Committee had also to take into account other research programmes such as the Inertial Confinement Fusion Programme and the sensitivity of that technology. In this context, the research relating to the x-ray laser, nuclear kinetic energy weapons, optical laser, microwave beams as well as particle beams was referred to. Some delegations of the Group of 21 suggested that technical advice could be obtained from the Ad Hoc Group of Scientific Experts on the verifiability of certain thresholds for a nuclear-test-ban treaty.

"Verification and Compliance

"37. Divergent views were expressed by delegations as to whether all the technical prerequisites were available today to effectively verify a total test ban. While acknowledging the technical aspects of the issue, many delegations of the Group of 21 believed that the resolution of the issue of verification was rather political in nature. They noted that the ongoing work of the Ad Hoc Group of Scientific Experts has provided concrete evidence that a nuclear test ban was verifiable using technology currently available. Other delegations stressed that there are many detailed, technical issues that still needed to be resolved for an effective global monitoring of a nuclear test ban.

"38. A nuclear-weapon State of the Western group suggested that the Ad Hoc Committee consider the means that currently exist to verify the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty compared with what would be required to verify effectively a comprehensive nuclear-test-ban treaty. It underlined that verification Protocols to the TTBT and PNET took almost three years of intensive bilateral negotiations. It recommended that delegations examine these lengthy and complex technical Protocols which were distributed as official documents to the Conference as CD/1066 and CD/1067, respectively. It stated that the Protocols were unprecedented in nature and complexity, and noted that the provisions in these Protocols still had to be implemented. It stressed that the task of verifying the TTBT would be minor compared to verification of a CTBT. It stated that verification of the TTBT required an extensive on-site presence, deployment of a highly sophisticated and complex array of instrumentation, and detailed knowledge of the test location and its geological environment. It underscored that verification of a CTBT, on the other hand, would involve global rather than local monitoring and analysis of any and all measurable explosions or disturbances. It added that this would be followed by the complex task of screening to distinguish nuclear test explosions from earthquakes, chemical explosions, and other phenomena. Based on this State's analysis, the means did not currently exist to verify a CTBT adequately. It stated that such a programme of verification would dwarf the current TTBT regime in terms of scale and complexity.

"39. The starting point for the debate was the question of the scope of an eventual agreement, specifically, the levels of the yield of explosions that could be agreed in order to create political confidence that a ban was being complied with. Delegations of the Western group of States held that this aspect depended upon politico/military decisions of States with respect to their national security concerns. Differing views continued to be expressed as to what should be the yields of explosions that would allow for not only their detection but also for their identification as nuclear explosions. Some delegations of the Western group expressed the view that there still existed possible evasion techniques, such as, cavity decoupling and the masking of explosions during earthquakes, the verification methods for which could not yet give full confidence. The Group of 21 delegations maintained that such techniques tended toward the impractical, that these types of explosions would eventually be detectable by non-seismic means and that it was also impractical to work for a 100 per cent foolproof verification system. One delegation belonging to the Western group and one delegation non-member of the Conference, in their working paper (CD/NTB/WP.13), mentioned that the technology to attempt such evasions was unlikely to be available outside the existing nuclear-weapon States, and the risk of detection would be extremely high and would increase with each test. These two delegations maintained that attempts to evade a nuclear test ban would be confined to a level at which the military advantages to be gained from clandestine explosions would be minimal and the chances of escaping detection would be extremely low.

"40. Some delegations of the Western group suggested a step-by-step approach which would gradually reduce the threshold levels of explosions at successively verifiable levels, as a way of ensuring confidence in a global test ban. A number of States of the Group of 21 expressed the view that even a one kiloton ceiling would seriously impede the development of a new generation of nuclear weapons. This would curtail, in their view, the qualitative 'improvements' in nuclear weapons and render further refinements in the size, yield or yield to weight ratio of nuclear weapons nearly impossible. They also maintained that it would reduce the likelihood that potential 'first' strike weapons would be built. Also raised was the issue of laboratory or contained tests at very low yields and whether new verification techniques would need to be developed in order to deal with them. Some delegations of the Group of 21 stated that while laboratory research and development of new weapons designs might continue, the inability to test the performance of new designs would inhibit States from accepting such weapons into their arsenals. They added that gradually the verification regime of a nuclear-test-ban treaty could be made more comprehensive and foolproof. A nuclear-weapon State of the Western group asserted that a one kiloton explosion could still provide valuable nuclear weapons development information. The same State added that, even if a one kiloton threshold were ever to be achieved, this would not be effective in precluding the development of nuclear weapons.

"41. Some issues involved with nuclear testing in other environments besides underground were raised by some delegations of the Western group. Comments were made on the feasibility of verification of nuclear tests if they were conducted in outer space, in the atmosphere or under water. A suggestion was made by one delegation of the Western group that feasibility studies might be conducted in this regard. The importance of seismic means of verification was stressed once again and it was pointed out that a strong capability in the seismic verification field was already available and could be improved further. Views were aired by delegations of all groups that non-seismic means of verification would also be required in order to adequately monitor an eventual nuclear test ban. Methods such as radio-active surveillance of the atmosphere, hydro-acoustic monitoring, satellite photo-imaging and on-site inspections were cited. It was stated that an eventual combination of these means could provide a reliable verification system.

"42. It was felt by many delegations that the Ad Hoc Committee should take up the issue of the future activities of the Ad Hoc Group of Scientific Experts To Consider International Cooperative Measures to Detect and Identify Seismic Events after the Ad Hoc Group presents a report on its second major technical test (GSETT-2) during the 1992 session. Differing views were expressed on the mandate of the Ad Hoc Group and on the future directions the Ad Hoc Group could take. It was recalled that any changes in the mandate of the Ad Hoc Group were in the purview of the Conference on Disarmament. Many views were aired about the possible future tasks of the Ad Hoc Group within the existing or a revised mandate: inter alia; the design of a system with one International Data Centre (IDC) and not four; the preparation of preliminary operational manuals; further research on use of waveforms at IDCS; the establishment of in-country stations; the estimated capabilities of a global seismic monitoring system. Other techniques were also mentioned: the monitoring of atmospheric radioactive nucleides; on-site inspections, on-site monitoring of large non-nuclear explosions and satellite images interpretation. Other views were aired that the Ad Hoc Group was not the group to make recommendations on future work in areas other than seismic and that further discussion was needed within the Ad Hoc Committee on how non-seismic technical verification issues should be handled. It was suggested by some delegations that the Ad Hoc Committee worked in parallel with the Ad Hoc Group and recommendations for the future work of the Ad Hoc Group needed to come both from the Ad Hoc Group itself and from the Ad Hoc Committee, as two distinct organs of the Conference, working towards the same goal.

"43. Some views were expressed concerning the institutional arrangements that would need to be made in connection with a verification regime. Some delegations of the Western group were of the view that a discussion of institutional arrangements was still premature in light of the need to agree on the scope of a nuclear test ban agreement and the related verification requirements. Some specific proposals were put forward and were commented upon. Some delegations of the Group of 21 felt that national data centres, already elaborated upon by the Ad Hoc Group of Seismic Experts, could perform a multitude of technical functions and procedures, and could therefore serve as a basis for a national body which would also handle political aspects such as complaints and on-site verification.

"44. Some comments were made on the Draft Protocol II of Amendment to the Partial Test Ban Treaty. They concerned: terminology and definitions; the functions and structure of the Secretariat; an operational governing body; more detailed non-seismic verification; aspects of the inspection procedures; the establishment of different monitoring thresholds for different Parties to the agreement; cost-effectiveness of the proposed institutions; and the specific application of provisions for States Parties. The six co-sponsors of the PTBT Amendment Conference initiative indicated that they had been encouraged by the discussion in the Ad Hoc Committee of Draft Protocol II on verification and compliance and stated that parallel verification mechanisms with respect to each of the possible environments would create a costly and imbalanced verification regime, and such a subdivision could only be undertaken, provided there is agreement on the required level of verification with respect to environments other than underground. They were ready to consider the suggestion to broaden the mandate of the Ad Hoc Group of Scientific Experts in order to encompass other verification methods. They stated that the work of the Ad Hoc Committee and the process of achieving a comprehensive test ban treaty through the amendment of the 1963 Partial Test Ban Treaty should complement each other. A number of Western delegations expressed clear reservations about some aspects of Draft Protocol II. They were concerned in particular about the threshold for verification, adequacy of seismic array, the on-site inspection provision and the role and composition of the Secretariat.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"45. It was generally recognized that discussions held in the Ad Hoc Committee this year had touched upon the major issues of a nuclear test ban in considerable detail. The debate was considered useful in preparing the ground for future in-depth consideration of the issues reflected in this report.

"46. The Ad Hoc Committee noted with appreciation the participation of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events at a meeting of the Committee. The ongoing work of the Ad Hoc Group was commended and it was felt that the results of the second major technical experiment recently concluded by the Ad Hoc Group, (GSETT-2), would make an important contribution to the issues addressed by the Ad Hoc Committee on seismic verification mechanisms.

"47. The Ad Hoc Committee agreed that substantive work on agenda item 1 should continue at the 1992 session of the Conference and, accordingly, recommended that it should be re-established at the beginning of the 1992 session."

B. Cessation of the Nuclear Arms Race and Nuclear Disarmament

26. At its 582nd plenary meeting on 14 February 1991, the Conference decided that informal meetings be held during its 1991 session on the substance of the agenda item, and that the discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly of the United Nations. Eight informal meetings devoted to the agenda item were held between 21 February and 1 August 1991.

27. At the time of the adoption of that decision, the President of the Conference stated the following:

> "Under the rules of procedure, the President of the Conference has the responsibility, in accordance with the normal duties of any presiding officer, to ensure that discussions at plenary or informal meetings are

conducted in an orderly way. Accordingly, I wish to inform you that I have myself taken the initiative of preparing a list of topics for the purpose of facilitating a structured discussion at informal meetings on the substance of agenda items 2 and 3. That list is my own and therefore does not bind any delegation. Furthermore, it is understood that members wishing to do so may raise any subject relevant to the agenda items, as is the normal practice of the Conference."

28. The list of topics read out by the President was as follows:

"- Implementation of paragraph 50 of the Final Document of SSOD-I in the light of the trends in international relations.

- Evaluation of the dynamics of the nuclear arms race in the light of recent international developments.

- The nuclear arms race in all its qualitative aspects, and related matters.

- Existing international instruments concerning cessation of the nuclear arms race and nuclear disarmament.

- The interrelation between bilateral and multilateral consideration of the cessation of the nuclear arms race and nuclear disarmament; participation in negotiations for the cessation of the nuclear arms race and nuclear disarmament; prerequisites for the participation of all nuclear-weapon States in nuclear disarmament; role of the Conference on Disarmament.

- Security concepts relating to nuclear weapons in view of recent developments and in the light of the global consequences of existing and envisaged disarmament and arms limitation agreements.

- The role of nuclear deterrence in keeping the peace for 40 years: the need to proceed carefully and gradually in reducing reliance on nuclear deterrence.

- Principles governing nuclear disarmament.

- Proposals on stages and measures of nuclear disarmament.

- Cessation of the production of fissionable material for weapons purposes, and measures against the reuse for weapons purposes of fissionable material released by disarmament steps.

- Naval nuclear armaments and disarmament.

- Collateral measures with the aim of consolidating and continuing the ongoing process of nuclear disarmament:
  - non-proliferation of missiles and other means of delivery of nuclear weapons, as well as their technology
  - confidence-building measures promoting nuclear disarmament.

- Verification in relation to the purposes, scope and nature of agreements.

- Existing proposals."

29. The Group of 21 recalled its proposal for the establishment of an ad hoc committee under the agenda item (CD/819/Rev.1), noting that it reflected the urgency of the issue and the need to deal with it in a multilateral negotiating framework in the Conference. Accordingly, the Group stressed that its acceptance of the format of informal meetings to discuss the agenda item in no way prejudiced its principled stand reflected in CD/64, CD/116, CD/180, CD/526, CD/819 and CD/819/Rev.1. The Group also expected substantial movement on the issue of setting up an ad hoc committee on the agenda item next year.

30. The Western Group considered that the establishment of subsidiary bodies for items 2 and 3 remained inappropriate. Despite its preference for the consideration of those items in formal plenary meetings, the Group was ready to play a full part in the informal meetings on items 2 and 3. The Group also noted that, as pointed out by the President, the list of topics as read out by him was binding upon no delegation and that it did not see in his statement any precedent whatsoever for decisions relating to the activities of the Conference.

31. The Group of East European and other States stated that the holding of informal meetings on agenda items 2 and 3 offered all delegations the opportunity to enter into a specific exchange of views on topics of disarmament which have high priority in order to prepare the ground for negotiations. The Group further said that, in order to enable practical work to get under way, it had decided for the time being not to insist on the establishment of ad hoc committees, which continued to be its preference.

32. A nuclear-weapon State, not belonging to any group, welcomed the progress made on agenda items 2 and 3 and, noting that they directly concerned important questions which had a bearing on international peace and security, stated that the Conference should carry out in-depth discussions on those items in a more formal and constructive way. It supported the position of the Group of 21 on the establishment of ad hoc committees on those items.

33. Document CD/1096, dated 9 August 1991, submitted by the delegation of the Democratic People's Republic of Korea, transmitting a proposal of its Government on a nuclear-free zone on the Korean peninsula, was presented to the Conference under the agenda item during the 1991 session.

34. Various issues relating to the cessation of the nuclear arms race and nuclear disarmament were addressed by delegations at plenary meetings of the Conference. The statements, which contributed to further explanation of the positions of delegations, including individual nuclear-weapon States, as reflected below, appear in the verbatim records of the Conference on Disarmament. Furthermore, various aspects of this item were discussed at the informal meetings.

35. The Group of 21 pointed out that Resolution 45/62 C adopted at the forty-fifth session of the United Nations General Assembly had requested the

Conference on Disarmament to establish an ad hoc committee at the beginning of its 1991 session on the cessation of the nuclear arms race and nuclear disarmament with an adequate mandate, in order to allow a structured and practical analysis of how the Conference could best contribute to progress on this urgent matter. Resolution 45/59 D, also adopted at the forty-fifth session of the United Nations General Assembly, had called upon all nuclear-weapon States to agree, through a joint declaration, to a comprehensive nuclear arms freeze, which would embrace, besides a comprehensive test ban on nuclear weapons and their delivery vehicles, the complete cessation of the production of fissionable material for weapons purposes under appropriate and effective measures and procedures for verification. The General Assembly, through these widely supported resolutions, had requested the Conference on Disarmament to submit a report to its forty-sixth session on the implementation of these resolutions. The Group regretted that, despite the preliminary work carried out on the subject during previous years, it had still not been found possible to set up an ad hoc committee on this item.

36. The Group of 21 was convinced that the need for urgent multilateral action on the cessation of the nuclear arms race and nuclear disarmament, leading to the adoption of concrete measures, had been amply demonstrated. In its opinion, multilateral negotiations on nuclear disarmament had long been overdue. It took note of the progress achieved in the bilateral negotiations in the nuclear field and looked forward to further reductions in strategic nuclear arsenals in the context of the START process. However, bilateral negotiations could never replace or nullify the genuine multilateral search for universally applicable nuclear disarmament measures. All nations had a vital interest in negotiations on nuclear disarmament. The existence of nuclear weapons and their quantitative and qualitative development directly and fundamentally jeopardized the vital security interests of both nuclear and non-nuclear-weapon States alike. It was an accepted fact that nuclear weapons posed the greatest danger to mankind and the survival of civilization. The present international situation and the easing of tensions between East and West lent further credence to the long-standing demand of an overwhelming majority of the world community to halt and reverse the nuclear arms race in all its aspects, and to adopt urgent measures for nuclear disarmament through a time-bound programme for the complete elimination of nuclear weapons. The accumulation of nuclear weaponry constituted a threat to the very security that it sought to protect. In the nuclear age, the only valid doctrine was the achievement of collective security through nuclear disarmament. As long as doctrines of nuclear deterrence were persisted with, the nuclear arms race which led to greater insecurity and instability in international relations could not be halted and reversed. Moreover, such doctrines, which in the ultimate analysis were predicated upon a willingness to use nuclear weapons, could not be the basis for preventing the outbreak of nuclear war, a war which would affect participants and innocent bystanders alike. The Group reiterated the validity of General Assembly resolution 1653 (XVI) of 1961, which had declared, inter alia, that the use of nuclear weapons would be contrary to the laws of humanity and a crime against civilization. The Group considered that in the task of achieving the goal of nuclear disarmament, the nuclear-weapon States bore a special responsibility. All nuclear-weapon States should accept the obligation to take positive and practical steps towards the adoption and implementation of concrete measures towards nuclear disarmament.

37. The Group of 21 stated that paragraph 50 of the Final Document of SSOD-I set out guidelines for the CD to provide an effective and complementary process in the multilateral framework. The Group of 21 remained firmly committed to the implementation of the provisions of this paragraph and believed that the establishment of an ad hoc committee in the CD provided the best means to achieve this objective.

38. Several delegations of the Group of 21 held the view that it was also necessary to bring into multilateral negotiations all the nuclear weapon States who had so far only urged the United States and the USSR to take the lead. In connection with the START negotiations, questions were raised whether those negotiations would really prevent modernization of nuclear arsenals and whether future steps would include tactical nuclear weapons or additional reductions of strategic nuclear weapons. Another concern was the number of nuclear weapons subject to reduction in those negotiations, future measures regarding SLCMs and the ecological effects of the destruction of nuclear weapons, in the case that the treaty would provide for such destruction. Other delegations belonging to the Group stated that efforts to achieve nuclear disarmament should be complemented by a variety of collateral measures. Among these was a convention to outlaw the use or threat of use of nuclear weapons which had wide support of nations and control over the technological momentum behind the nuclear arms race.

39. On the issue of a ban on the production of fissionable material for military purposes, many delegations of the Group of 21 and various delegations from other groups emphasized that all production of new nuclear material for weapons purposes should cease. A precondition for a verifiable "cut-off" was the separation in the nuclear-weapon States of peaceful and military nuclear activities. In connection with this subject, one delegation had proposed that all nuclear-weapon States should submit all their peaceful nuclear facilities to IAEA safeguards and that transfers of fissionable material from dismantled and destroyed nuclear warheads should also be verified through application of IAEA safeguards.

40. Some delegations of the Group of 21 expressed the view that the positive processes in the field of nuclear disarmament were not yet irreversible, as there was the continuing lure of new technologies. Efforts to limit, reduce and eliminate nuclear weapons were often outpaced by rapid scientific developments. The rapid progress in new technologies and their application for military purposes made not only the future progress on nuclear arms limitation difficult but also tended to undermine the existing treaty arrangements. Multilateral efforts towards nuclear disarmament continued to suffer setbacks. The importance of creating a new global security order was indeed central in the struggle to achieve nuclear disarmament. The need to replace deterrence with comprehensive global security through the elimination of nuclear weapons had been voiced on many occasions and through repeated United Nations General Assembly resolutions. There was need to prevent a circumvention of disarmament agreements by replacing one kind of nuclear weapons by another. One delegation recalled that its Government had put forward a detailed action plan to this end at SSOD-III which sought to uphold the goal of zero in nuclear arms limitation and sought to achieve it in a specific time-frame. The action plan had also outlined measures for creating greater transparency in global military research and development, continuous

assessment of the strategic impact of new technologies and for drawing up guidelines in respect of new technologies with potential military applications.

41. One delegation, member of the Group of 21, speaking on behalf of two Governments, provided information on the developments in their nuclear cooperation and reported on the Declaration of Foz do Iguacu signed on 28 November 1990 (CD/1047).

42. Another member of the Group informed that, on 6 June 1991, its Prime Minister had proposed that the United States, the Soviet Union and China consult and meet with States in the region to discuss and resolve the issue of nuclear proliferation in South Asia.

43. One delegation, member of the Group of 21, underscored the special characteristics of the Middle East region which required intensive efforts on the part of all nations to spare it from superfluous threats and a possible recourse to any weapon of mass destruction. The delegation highlighted the fact that the introduction of nuclear weapons in the Middle East would have devastating consequences on the prospects for peace, stability and security for the region and for the maintenance of international peace and security in general. The same delegation stated that it had continuously, and for the past 16 years, called for the establishment of a Nuclear-Weapon-Free Zone in the Middle East and called on all States in the Middle East to adhere to the Non-Proliferation Treaty and place all their nuclear activities and installations under full scope IAEA safeguards. The same delegation drew attention to the initiative for the establishment of a zone free from weapons of mass destruction in the Middle East proposed by the President of that State on 9 April 1990 and its call on the major arms-producing States - and particularly the permanent members of the Security Council - as well as Israel, Iran and the Arab States to deposit undertakings with the Security Council in which they clearly and unconditionally endorse the declaration of the Middle East as a region free of weapons of mass destruction and commit themselves not to take any steps or measures which would run counter to or impede the attainment of that objective.

44. One delegation of the Group of 21 whose views were supported by some other delegations proposed that the issue of naval nuclear disarmament be given the attention it required on the international disarmament agenda. This country had also proposed that measures be worked out without delay with regard to long-range sea-based cruise missiles and, furthermore, that tactical nuclear weapons on board warships should be taken ashore. Urgent disarmament measures were needed for the "non-strategic" category of naval nuclear weapons. The ultimate goal should, however, be a complete denuclearization of all naval forces. While sea-borne strategic nuclear weapons were the subject of bilateral negotiations between the United States and the Soviet Union, short- and medium-range sea-borne nuclear weapons intended for targets at sea or on land should be properly addressed in disarmament negotiations.

45. Some delegations belonging to the Group of Eastern European and other States including a nuclear-weapon State indicated that the absence of specific progress at the CD was probably to be explained by remaining differences in the approaches of different States and in their doctrines with respect to the

role of nuclear weapons to ensure national security. In their view it should be possible to embark on negotiations in a spirit of compromise on the start of cooperation in the field of nuclear disarmament, where success was possible first and foremost by activating multilateral efforts. As one such area they referred to the prohibition of the production of fissionable material for weapons purposes. The delegations recalled that in its Resolution 45/58 L the General Assembly had called on the Conference on Disarmament, at an appropriate stage of its work, to continue the consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices. They continued to regard as topical the beginning of the bilateral negotiations with a delegation member of the Western Group on a verifiable cessation of production of nuclear materials. The cessation of production of enriched uranium and plutonium would inevitably lead to the curtailment of such an industrial basis for the preparation of key components of nuclear weapons in the arsenals of States. The delegations indicated that they understood the concern expressed by experts of many States to the effect that preserving and keeping nuclear explosives left open the possibility for their future use in producing new nuclear arms. The view was expressed that the time had come for experts to take up the scientific and technological study of this problem of conversion of nuclear ammunitions from a technological and ecological viewpoint. It could be possible to request the IAEA to organize a technical study on the possible utilization of nuclear explosives for peaceful purposes. A contribution could be made by a bilateral working group of scientific and possibly of non-governmental experts from the two nuclear-weapon States to define verification methods for the elimination of nuclear ammunitions. They supposed that, before the development of concrete acceptable criteria of cost effectiveness for dealing with nuclear ammunitions freed as a result of arms agreements, it should be possible to place them under IAEA controls or any other international organ's control and in the future to deliver them to special sites for treatment. The Conference could take up practical consideration of the question of the cessation of the production of fissionable materials for weapons, of course with effective verification. The delegations believed that this problem could be first studied from the scientific and technical point of view by experts from interested members of the Conference.

46. Some delegations belonging to the Group of Eastern European and other States recalled the Gulf War, noting that it had demonstrated the dangers of proliferation of weapons of mass destruction and ballistic missiles.

47. The Western Group stated that in this time of profound and rapid change, it continued to attach significance to the nuclear items on the agenda. It welcomed discussions in the Conference regarding nuclear disarmament because it believed that such discussions played a positive role in strengthening international security and stability in the nuclear age. Developments in East-West relations and in other regions suggested that real progress was possible in the field of arms control and disarmament. The changes that were taking place were bringing mankind closer to the realization of the vision of a more just, humane and democratic world. If sustained, those trends would strengthen the prospects for fundamental improvements in international relations, a prerequisite for real progress not just in nuclear disarmament but in all disarmament matters. It was important to ensure that

interrelationships between arms control issues and defence requirements and between the various arms control areas, were fully considered. The Group stressed that this comprehensive approach to the prevention of war was in no way designed to belittle the catastrophic consequences and the inadmissibility of a nuclear war. They underlined the effectiveness of nuclear deterrence in preventing war and preserving peace in Europe since 1945, while noting that millions of casualties had been inflicted around the world in non-nuclear conflicts during the same period. They also observed that in their view deterrence was not only a Western phenomenon; rather, it was a fact of life and a key element in military doctrines. Western delegations further considered that deterrence had made a significant contribution to East-West stability.

48. The Western Group had worked for many years to advance progress in the fields of non-proliferation and disarmament on a regional and global basis. The Gulf crisis had demonstrated that the proliferation of nuclear, chemical, and biological weapons and of systems capable of delivering them, as well as excessive build-up of conventional arms, undermined international security and increased the risk of armed conflict throughout the world. To meet this challenge, the Group had renewed its commitment to the earliest possible achievement of advances in the international forums dealing with specific proliferation issues.

49. The Western Group was strongly committed to, and would continue to work towards universal adherence to the NPT. In this regard, the Group welcomed the recent important accessions in southern Africa to the Treaty and China's recent affirmation of its intention, in principle, to accede to the NPT. The other members of the Group also welcomed France's decision, in principle, to accede to the Treaty. The Western Group called on all States to become parties to the NPT, in that universal membership and full compliance with its provisions by all parties were important for the further strengthening of the NPT. Many Western delegations strongly supported the Treaty's indefinite extension in 1995. The Western Group supported the role of the IAEA in facilitating the development of peaceful uses of nuclear energy and in administering safeguards. It also supported responsible export behaviour by States which were in a position to cooperate with others in the peaceful uses of nuclear energy.

50. Recalling that it was incumbent upon all States to intensify their efforts and take steps to promote disarmament, the members of the Western Group observed with growing concern the acquisition and the development of ballistic missiles technology for, possibly, other than peaceful purposes by an increasing number of States. The elimination of this potential source of international instability and insecurity required work at the bilateral, regional and international levels. The Group welcomed the efforts made by some countries to improve their national export behaviour and also welcomed the wish of others to participate with the original seven countries in the Missile Technology Control Regime. It would urgently pursue efforts in the United Nations and elsewhere to address the problem of excessive build-up of arms by ensuring transparency and restraint.

51. The Western Group welcomed the successful completion and continued implementation of the INF Treaty, which had eliminated an entire class of

nuclear weapons, and the exchanged instruments of ratification and protocols between the United States and the Soviet Union for the two nuclear testing treaties, the Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty, on 11 December 1990 in Houston. The Group also welcomed the recently signed START Treaty which represented a major achievement in securing a more stable, predictable balance at lower levels of strategic nuclear forces. Once ratified, that Treaty would reduce, over seven years, each side's strategic nuclear weapons from their current level of between 10,000 and 11,000 weapons to between 8,000 and 9,000 weapons. In the view of the Western Group and other States, the START Agreement included a major reduction in the most destabilizing and dangerous weapons, land-based ballistic missiles and their warheads, and placed restrictions on specific types of strategic weapons. The Treaty embodied the concepts of equality, stability, predictability, deep reductions and transparency.

52. One member of the Western Group believed that the most important aspect of this Treaty was its contribution to increasing predictability and transparency. A Protocol containing over 80 different types of notifications would help both sides understand the strategic military activities of the other side. Twelve different forms of inspections and the permanent monitoring of certain ballistic missile production in each country would provide firm assurances that Treaty obligations were being met. The Treaty would have a duration of 15 years, unless superseded beforehand by a subsequent agreement.

53. The Western Group fully supported the agreement between the United States and the Soviet Union to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms which was outlined in the joint statement of 1 June 1990 on future negotiations on nuclear and space arms and further enhancing strategic stability.

54. With regard to the implementation of agreements to facilitate further reductions in the sub-strategic nuclear forces, those States of the Western Group, members of the Atlantic Alliance, recalled that in the July 1990 London Declaration they had stated that the political and military changes in Europe, and the prospects of further changes, would allow the Allies concerned to go further. They would thus modify the size and adapt the tasks of their nuclear deterrent forces. They had concluded that, as a result of the new political and military conditions in Europe, there would be a significantly reduced role for sub-strategic nuclear systems of the shortest range. They had decided specifically that, once negotiations begin on short-range nuclear forces, the Alliance would propose, in return for reciprocal action by the Soviet Union, the elimination of all its nuclear artillery shells from Europe. New negotiations between the United States and the Soviet Union on the reduction of short-range nuclear forces should begin shortly after a CFE agreement was signed. The Allies concerned would develop an arms control framework for these negotiations which would take into account their requirements for far fewer nuclear weapons, and the diminished need for sub-strategic nuclear systems of the shortest range.

55. The members of the Western Group were actively working for further progress in the field of nuclear disarmament. The Group shared the objective of general and complete disarmament, but recognized that its achievement would

require a series of arms control steps in non-nuclear as well as nuclear areas. In these areas all States would bear a responsibility. The Group reiterated its will to continue to pursue vigorously the conclusion of disarmament agreements that would enhance the security of all members of the community of nations.

56. The delegation of a nuclear-weapon State, member of the Western Group, presented a plan for arms control and disarmament outlined by the President of that State. The plan, submitted as a CD document (CD/1079), stressed that nuclear disarmament remained an essential goal. That State supported the efforts to reduce the nuclear arsenals of the two major Powers. It confirmed that it would participate in the process as soon as the conditions it had outlined to the United Nations General Assembly had been fulfilled. At the same time, it underlined, it was important to prevent the proliferation of nuclear weapons beyond the present five nuclear Powers. That State, which was already applying all of the terms of the Non-Proliferation Treaty, had in principle taken the decision to accede to it and hoped that all States would do the same. It also recalled that, at its initiative, United Nations Security Council Resolution 687 noted that the constraints imposed by it represented steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles, along with a global ban on chemical weapons; for that delegation, such a goal should be pursued in other regions of the world. The same delegation also called the Conference's attention to the communiqué of the meeting of the Representatives of the Five permanent members of the Security Council on non-proliferation and arms transfers, held in Paris on 8-9 July 1991, circulated as document CD/1103.

57. Another delegation, also a member of the Western Group, felt obliged to raise the issue of nuclear weapons of which the dangers of proliferation had been brought home during the Gulf crisis. It pointed out that, in its view, which was shared by other delegations, the Non-Proliferation Treaty was one of the greatest achievements to have come out of this multilateral disarmament negotiating forum. This delegation stated that in order to strengthen the NPT regime, urgent efforts had to be made on two fronts, in promoting accession to the Treaty by non-parties, and in securing full implementation of the Treaty obligations. In connection with those efforts, that State had adopted and announced a policy in early April to the effect that, in extending official development assistance, the trend in the recipient country of the development and production of weapons of mass destruction and missiles would be taken into account, in order to strengthen efforts to prevent the proliferation of these weapons. In view of the importance it attached to the NPT regime, it strongly supported a substantial extension of the Treaty beyond 1995.

58. One nuclear-weapon State not belonging to any group continued to view nuclear disarmament as an issue of paramount importance. It had all along stood for the complete prohibition and thorough destruction of nuclear weapons. It held that to achieve this objective the two major nuclear States should assume a special responsibility and obligation to take the lead in halting the testing, production and deployment of nuclear weapons and drastically cut all types of nuclear weapons deployed at home and abroad. The tangible progress they were making in these fields would create conditions for convening a broadly representative international conference on nuclear disarmament with the participation of all nuclear-weapon States. To this end,

it hoped that these States would, through negotiations, effectively cut at least 50 per cent of their enormous nuclear arsenals, including sea-launched and air-launched cruise missiles, as well as tactical nuclear weapons, and proceed on this basis to cut their nuclear weapons by a bigger margin. All the nuclear weapons thus cut should be destroyed and the nuclear warheads duly disposed of. The reductions should not be confined merely to the nuclear weapons on their territories and in Europe, but should also include those deployed by them in Asia and the Pacific. This would contribute to peace and security in all regions of the world.

59. The same State welcomed the recent signing of the START Treaty by the United States and the Soviet Union. Nevertheless, it considered the signing of the Treaty would mean neither a fundamental shrinkage of their nuclear arsenals nor a complete halting of their nuclear arms race. Therefore, the progress made by them on nuclear disarmament was still preliminary and limited. Even if the two major nuclear Powers were to cut their strategic nuclear arsenals by half, they would still possess over 90 per cent of all the nuclear weapons in the world, more than enough to destroy the whole of mankind several times over, thus remaining the biggest threat to international security. They should not only slash the number of their armaments, but also completely stop their qualitative arms race.

60. It stated that, for the purpose of maintaining world peace and promoting the security of all nations, it did not advocate, encourage or engage in nuclear proliferation. In its cooperation with other States in the field of peaceful uses of nuclear energy it had adopted a responsible attitude, requiring the recipient States of its nuclear exports to accept IAEA safeguards and ensuring that its own nuclear imports were for peaceful purposes. At the same time, it was opposed to the practice of imposing unreasonable restrictions on international cooperation in the peaceful uses of nuclear energy under the pretext of preventing nuclear proliferation. In 1988 its Government signed a unilateral submission agreement with IAEA to place a part of its nuclear energy installations under the Agency's safeguards. In 1990 it attended as an observer the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. And recently, the same Government decided in principle to accede to the NPT.

61. The same State stressed that it was the common aspiration of all States to reduce armaments and diminish the danger of war. All States, big or small, strong or weak, enjoyed equal rights on the question of security and were entitled to take part in the discussion and settlement of security and disarmament issues. Although disarmament efforts on a bilateral or small-scale basis were welcome, they should not replace global multilateral disarmament efforts and all these efforts should promote and supplement each other.

62. In response to the interest shown by many delegations in receiving direct presentations by the negotiators, the heads of delegations to the bilateral talks on nuclear and space arms conducted by the two major Powers made, at the informal meeting on 20 June 1991, detailed presentations of the status of their negotiations. Their statements and availability for the discussions held on that occasion were appreciated by the delegations participating at the informal meetings, some of which raised certain issues relating to the

reduction of strategic nuclear arms which are reflected in previous paragraphs. At the 600th plenary meeting of the Conference, the representatives of the Union of Soviet Socialist Republics and of the United States of America announced the signing of the START Treaty and referred to its contents. The conclusion of the agreement was generally welcomed in the Conference.

C. Prevention of Nuclear War, including all Related Matters

63. At its 582nd plenary meeting on 14 February 1991, the Conference decided that informal meetings be held during its 1991 session on the substance of the agenda item, and that the discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly of the United Nations. Seven informal meetings devoted to the agenda item were held between 28 February and 25 July 1991.

64. At the time of the adoption of that decision, the President of the Conference made the statement referred to in paragraph 27 above and read out the following list of topics:

"- The impossibility of separating the problems of preventing nuclear war and preventing any war.

- Measures to exclude the use of nuclear weapons, inter alia:

    - Paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly (code of peaceful conduct that would preclude the use or threat of use of nuclear weapons).

    - International convention prohibiting the use or threat of use of nuclear weapons under any circumstances (text annexed to General Assembly resolution 43/76 E of 7 December 1988).

    - Prohibition in a legally binding form of the use of nuclear weapons.

- Measures for confidence-building and crisis prevention:

    - Measures to enhance confidence and increase openness with regard to military activities, including a multilateral agreement on the prevention of incidents on the high seas.

    - Measures to prevent accidental or unauthorized use of nuclear weapons and to avoid and manage crisis situations, including the establishment of multilateral nuclear alert and crisis control centres.

- Measures to facilitate international verification of compliance with arms limitation and disarmament agreements.

- Criteria and parameters for defensive military postures; military strategies and doctrines; prevention of surprise attacks.

- New trends in weapons technology and their impact on security and disarmament efforts."

65. The Group of 21 expressed regret at the inability of the Conference to set up an ad hoc committee on the agenda item. The Group remained committed to the position expressed in CD/515/Rev.5, which contained a non-negotiating mandate for the establishment of an ad hoc committee that, in its view, would permit thorough consideration of all aspects of all proposals before the Conference. However, the Group was prepared to start consideration of the item in informal meetings in the hope that reservations on that mandate would be reviewed by other delegations.

66. The views of the other Groups and a nuclear-weapon State not belonging to any Group on the decision of the Conference and the Presidential list of topics relating to agenda item 3 are reflected in paragraphs 30 to 32 above.

67. No new documents were submitted to the Conference specifically under the agenda item during the 1991 session, although references were made by some delegations to documents listed in paragraphs 22 and 33 above as relevant for agenda item 3.

68. Various issues relating to the prevention of nuclear war, including all related matters, were addressed by delegations at plenary meetings of the Conference. These statements, which contributed to further explanation of the positions of delegations, appear in the verbatim records of the Conference. The subject was also discussed at the informal meetings devoted to the agenda item. Several delegations making statements under agenda item 2 noted also that their comments in that respect were also relevant for agenda item 3.

69. The Group of 21 believed that the greatest peril facing the world was the threat of destruction from a nuclear war, and that consequently the removal of this threat was most acute and urgent. Nuclear-weapon States bore the primary responsibility for avoiding nuclear war, but all nations had a vital interest in the negotiation of measures for prevention of nuclear war, in view of the catastrophic consequences that such a war would have for mankind. The Group recalled that as far back as 1961, General Assembly resolution 1653 (XVI) had declared that the use of nuclear weapons, besides being a violation of the Charter of the United Nations, would be contrary to the laws of humanity and a crime against civilization. The Belgrade Declaration, adopted in September 1989 at the Ninth Conference of Heads of State or Government of Non-Aligned Countries, emphasized the extreme urgency of achieving nuclear disarmament through the complete elimination of nuclear weapons and "stressed the need for the conclusion of an international agreement prohibiting all use of nuclear weapons under any circumstances". The Group believed that it was a matter of concern for all delegations present at the CD that no progress had been possible on this item since its introduction as a separate item on the CD's agenda in accordance with General Assembly resolution 38/183 G.

70. The Group recalled that the United Nations General Assembly had repeatedly requested the Conference on Disarmament to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an ad hoc committee on this subject. During the 1990 session of the General Assembly there were two resolutions on this subject which were adopted by overwhelming majorities. One of these resolutions, 45/59 B on a convention on the prohibition of the use of nuclear

weapons, reiterated the call to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis for its work the draft convention on the prohibition of the use of nuclear weapons annexed to the resolution.

71. The same Group stressed that in view of the irreversible consequences of a nuclear war, it was clear that conventional wars could not under any circumstances be equated with nuclear war, since nuclear weapons were weapons of mass destruction. In this context, invoking the Charter to justify the use of nuclear weapons in the exercise of the right to self-defence was completely unjustifiable. The Group of 21 remained convinced that the shortest way to remove the danger of nuclear war lay in the elimination of nuclear weapons, and that pending the achievement of nuclear disarmament, the use or threat of use of nuclear weapons should be prohibited.

72. The Group of 21 believed that such consideration would not only contribute to better understanding of the subject but also pave the way for negotiations for an agreement on the prevention of nuclear war. Such an objective could not be achieved only through discussions in the plenary or informal meetings. The Group was disappointed that, despite the urgency accorded to this subject and the flexibility it had displayed, the Conference on Disarmament was not able to discharge its own mandate as the single multilateral disarmament negotiating forum as reflected in paragraph 120 of the Final Document of SSOD-I.

73. Some members of the Group of 21 stressed that, pending the achievement of total nuclear disarmament, it would be important to ensure that all necessary political and technical precautions be implemented to prevent any outbreak of a nuclear conflict. The required measures could include, *inter alia*, the adoption of a code of peaceful conduct of nations in international affairs, a moratorium on further development of weapons which could not be used, comprehensive nuclear disarmament measures at the global level, alternative approaches to security without nuclear weapons which would provide for the legitimate needs of all States, the prevention of a new arms race and new impetus being imparted to the existing arms race through qualitative improvements resulting from new and emerging technologies and the establishment of multilateral centres and early warning stations. One delegation of the Group of 21 reiterated in this regard that its proposal put forward years ago in CD/688 for the establishment of Nuclear Alert and Crisis Reduction Centres with multilateral participation was still valid and would enable States to exchange information and keep open adequate channels of communication to respond to unexpected situations, so as to avoid recourse to the use of nuclear weapons, or weapons of mass destruction. In this sense it was stressed that structures for crisis prevention and management could play a central role in the years to come and consequently their establishment at a multilateral level should be seriously considered in particular in the light of recent developments and the evolution of the international political scene. Another delegation belonging to the Group of 21, elaborating on the verification of a ban on the use of nuclear weapons, stated that this was essentially a preventive measure. So long as nuclear weapons exist, nation States had to undertake measures to prevent their accidental use or rule out

the possibility of nuclear weapons going into unauthorized possession. The detailed procedures in force in the nuclear-weapon States to achieve these aims would be equally applicable for preventing the use of nuclear weapons. The verification of such procedures could be carried out internationally through a high-level consultative machinery. The procedures already agreed upon in the context of the United States-Soviet bilateral agreements on INF, START, nuclear risk reduction, etc., could provide transparency among the nuclear-weapon States and there should be a common commitment to rule out dangerous policies such as launch on warning. This delegation referred to the proposal of placing the control on nuclear weapons in the hands of the United Nations Security Council without a veto. In essence, the entire paraphernalia of the structures brought into being to carry out a strategy based on deterrence was practically indistinguishable from what would be required to put into effect a ban on the use of nuclear weapons. The only difference was in political intention (including the intention to cheat) which could only be resolved through CBMs and a binding international agreement. It was possible to envisage complete international control on the entire nuclear fuel cycles of nations if all nuclear-weapon States accept international legal obligations not to use nuclear weapons. The cost of the verification machinery for this whole set-up was likely to be a small fraction of the present expenditure on nuclear weapons. Over time this expenditure would also reduce considerably.

74. One delegation of the Group of 21 mentioned the action programme for the prevention of accidental nuclear war adopted by an international conference in Stockholm last year. The programme identified means for reducing risks connected with existing nuclear arsenals, including such confidence-building measures as international risk-reduction centres, operational constraints on ballistic missile submarines, improved political control as well as improved crises management capability, covering also improvements in command- and control-systems, negative security assurances, and measures to prevent vertical and horizontal proliferation. The action programme specifically pointed at the abolition of "the most de-stabilizing nuclear weapons, such as fixed-site, land-based, ballistic missiles and more accurate short flight-time systems". Other measures enumerated in the programme were the dismantling of multiple warheads of all ballistic missiles, abolition of all sea-based tactical nuclear weapons, as well as of land-based tactical nuclear weapons in Europe. The programme also contained suggestions for further multilateral action, including the creation of multilateral alert centres. In the view of this delegation, naval nuclear weapons could be of particular interest in the context of item 3, nuclear weapons intended for targets at sea threatened to lower the nuclear threshold. Several delegations of the same group had also proposed that the Conference on Disarmament address the issue of a multilateral agreement on the prevention of incidents at sea.

75. One nuclear-weapon State, member of the Group of Eastern European and other States, underlined the great importance it attached traditionally to preventing nuclear war and to nuclear disarmament. This State recalled that it had tabled a set of measures that could assist in reducing the danger of an outbreak of nuclear war. It supported enlarging the number of those participating in the negotiating process on nuclear weapon issues, including all nuclear States. Movement towards a world without nuclear weapons required permanent and stage-by-stage efforts to reduce the nuclear threat as well as a

transition to ever more limited nuclear arms capabilities and an unswerving introduction of the principle of reasonable sufficiency of armaments, nuclear ones in the first instance, and the maintenance of strategic stability at the lowest possible level of sufficiency. This State shared the view that it was only the complete elimination of nuclear weapons that could guarantee lasting security for modern civilization. Due to prevailing circumstances it was precisely the Union of Soviet Socialist Republics and the United States of America that were called upon to play a major role in nuclear disarmament. However, this did not mean that the rest of the world should be barred from participating in the elaboration of structures of a fundamentally new, non-nuclear security.

76. Some delegations belonging to the Group of Eastern European and other States, including one nuclear-weapon State, believed that the START Treaty would undoubtedly become a major milestone both in the history of arms control and in the USSR-United States relations in terms of strengthening strategic stability and enhancing transparency and predictability. The implementation of the Treaty would make it possible for the first time in history to break down the steady trend towards a build-up of strategic offensive arms and thus the process of real reduction of strategic offensive arms, measured in hundreds of strategic delivery vehicles and thousands of nuclear warheads, would finally commence.

77. The same delegations stressed that further progress in the field of nuclear disarmament required that its scope be made broader, that the negotiating process encompass all categories of nuclear weapons, including tactical nuclear weapons in Europe as well as naval non-strategic nuclear arms. There existed every prerequisite to begin in the near future new negotiations between the Soviet Union and the United States on the reduction of their short-range nuclear forces, i.e. tactical nuclear arms, as provided for in the Paris Joint Declaration of 22 States-participants in the CSCE of 19 November 1990.

78. These delegations were prepared, in principle, to agree that at the first stage those talks should cover European tactical nuclear systems of the Soviet Union and the United States while other countries would join them later.

79. The same delegations believed that time had long called for effective measures in such a priority area of strengthening security and strategic stability as an all-round enhancement of the regime of the non-proliferation of weapons of mass destruction and their modern delivery vehicles, including the universal nature of the Non-Proliferation Treaty. According to these delegations, the 1995 Conference which would have to take a decision on extending the Treaty should make it one of unlimited duration and the approach to non-proliferation should be a universal one. In combination with the disarmament process such a policy would lead to laying down the foundation of a world free from nuclear weapons. According to these delegations, along with the purpose of preventing the geographical expansion of the nuclear, chemical and biological threats, the world community came to realize ever more the need to contain the proliferation of missiles and missile technology of military nature. The destructive consequences of such a trend for regional and even global stability had been graphically highlighted by the events in the Gulf region. In that context, the view was also advanced that unrestricted

transfers of conventional weapons to regions where tensions run high undermined international security and increased the risk of armed conflicts and nuclear war. It was also expected that those issues would be considered by global disarmament forums. At the same time, it was pointed out that non-proliferation should not limit the use of nuclear, chemical or missile technologies for peaceful purposes. As for the latter, it would obviously be pertinent, in view of the possible dual use of modern technologies, to set up a new international mechanism to prevent the proliferation of military missile technology.

80. Some members of the Group of Eastern European and other States referred to the statement adopted at the Special Meeting of the Political Consultative Committee of the Warsaw Treaty, held in Budapest on 25 February 1991 (CD/1071). They noted that this was a statement of historic importance, which reflected the decision that, bearing in mind the fundamental changes in Europe, the States parties to that Treaty had decided to dismantle the military organs and structures of the Treaty by 31 March 1991. These delegations further noted that efforts should now be concentrated on creating a new forum and structure of relations that would comply with democratic requirements and respect sovereignty in the field of disarmament as well. The pulling down of political barriers would give way to a wider interpretation of European integrity. They believed that long-lasting peace and stability could not be built any more on the foundation of opposing military alliances. They stressed that the direction of the European process was pointing towards a cooperative security system based on common interests and shared democratic values and that they were looking forward to the 1992 Helsinki Follow-up Meeting of the Conference on Security and Co-operation in Europe.

81. The Western Group remained of the view that the prevention of a nuclear war could only be dealt with satisfactorily in the broader context of the prevention of war in general. The real question at issue was how to maintain peace and international security in the nuclear age. The prevention of war in the nuclear age was a global concern and not merely the responsibility of certain States or military alliances. This fact had been sadly underscored by the tragic events of this past year in the Gulf. The basic goal of Western arms control and disarmament policy had been and continued to be to prevent war by strengthening security and increasing stability at the lowest level of forces and armaments consistent with the requirements for legitimate individual or collective self-defence. The Group was convinced that arms control and confidence-building measures would continue to help shape and consolidate the development of a new cooperative order, as envisaged in the United Nations Charter, in which no country needed harbour fears for its security. It believed that negotiations in all regions of the world intended to reduce the risk of conflict, to eliminate arms races, and to build mutual confidence in an equitable and stabilizing manner could contribute significantly to international security.

82. In their determined efforts to reduce the relative importance of the military component and in trying to replace confrontation with cooperation, the Western States would, both in East-West relations and globally, exploit the opportunities for arms control as an agent of change. They would spare no effort to ensure that these positive trends and developments resulted in greater security and stability for the benefit of all States. The Western

States members of the North Atlantic Alliance pointed out that they had adopted on 29 and 30 May 1989 a comprehensive concept of arms control and disarmament which provided a way ahead in this respect and set an agenda for the future. This concept, circulated as document CD/926, represented a comprehensive approach to the CD agenda item "Cessation of the nuclear arms race and nuclear disarmament" and "Prevention of nuclear war, including all related matters" as interrelated issues.

83. In the field of arms control, the members of the Group expressed their satisfaction about the progress made. The INF Treaty had eliminated a whole category of weapons, while providing for stringent verification measures. The Group also welcomed the START Treaty, as well as the agreement between the Union of Soviet Socialist Republics and the United States of America on new talks on strategic offensive arms. Although actively working for further progress in the field of nuclear disarmament, they nevertheless stressed that in their view the reduction of nuclear arms could not be fully dissociated from other disarmament measures and that it should take place within the context of a strengthening of international stability and security.

84. The Western Group welcomed the agreements reached in the Charter of Paris for a new Europe, which was signed at the conclusion of the Summit Meeting of the Conference on Security and Co-operation in Europe, held in Paris from 19 to 21 November 1990, as well as the Joint Declaration of 22 States participating in that Conference, signed in Paris on 19 November 1990 (CD/1043, 1044). They also welcomed the Treaty on Conventional Armed Forces in Europe (CD/1064), signed at the 1990 Paris Summit, which they regarded as an arms control agreement of truly historic significance for European security and international security as a whole. The fact was noted that 22 countries had succeeded in agreeing on reducing conventional weapons to considerably lower and equal levels on both sides, which was evidence of realism, goodwill and mutual trust. The reduction in conventional forces and the far-reaching verification regime provided for in the Treaty reflected the desire on the part of the 22 contracting parties for a significantly greater degree of political and military stability and cooperation in Europe. The success of the negotiations in Vienna in agreeing on methods of bringing about the destruction of tens of thousands of weapons within a reasonable period of time meant that a genuine change had taken place in the world. By implementing the Treaty, Europe would be transformed into a monitored security zone with an unprecedented degree of transparency in military affairs, thus increasing predictability and mutual confidence. A key role in determining how a new pattern of security relations could emerge would be played by the manner in which the States parties approached the question of implementation of the Treaty. The Group also welcomed the Vienna agreement on confidence and security-building measures (CD/1070).

85. Some members of the Group pointed out that there had been major progress in recent years in the field of nuclear disarmament and arms control. In their view radical reductions in existing stocks were no longer simply an idle fancy, but had become a tangible reality. They believed that it must be ensured that nuclear arms reduction process between East and West was not followed by a build-up in other parts of the world. In their view which was shared by other delegations the Non-Proliferation Treaty remained of vital importance for world stability. Strict compliance with non-proliferation

standards remained a cornerstone of the policy of these States. The same delegations believed that States parties should endeavour to strengthen these standards further on the basis of a meaningful and thorough assessment of the implementation of the Treaty as a whole. The number of States which were party to the NPT was steadily increasing, and these delegations called upon those States which had yet to accede to it to reconsider their stance.

86. The delegation of a nuclear-weapon State, member of the Western Group, considered that the START Treaty, which its Government had warmly welcomed, constituted an excellent basis for further efforts to achieve additional limitations and cuts in the arsenals involved. It noted with interest that negotiations would continue on the Space aspect of the Soviet-United States strategic negotiations and appealed for the conclusion of an agreement which would thus prevent a destabilizing arms race. It hoped that the United States and the USSR would be guided, in their strategic negotiations, by the principle of minimum deterrence, which it had always adhered to.

87. One nuclear-weapon State not belonging to any Group stressed that the presence of nuclear weapons in the world called for the adoption of measures to prevent nuclear war. It reminded the Conference that the limited number of nuclear weapons in its possession was solely for the purpose of self-defence and it had never shirked its responsibility and since the very first day that that State had come into possession of nuclear weapons, it had unilaterally undertaken that at no time and under no circumstances would it be the first to use nuclear weapons. It was the view of this delegation that if all countries possessing nuclear weapons would undertake not to be the first to use nuclear weapons, that in itself would be a highly effective measure for the prevention of nuclear war and a powerful impetus to the nuclear disarmament process. The delegation proposed that negotiations should start at the earliest date in the Conference on Disarmament for the conclusion of an international agreement banning the first use of nuclear weapons under agenda item 3, "Prevention of nuclear war". It also held that in the current international circumstances it was high time to consider another important measure for the prevention of nuclear war: all nuclear-weapon States that had deployed nuclear weapons abroad, particularly two major nuclear Powers, should pull back all these weapons to their own territories. In its view, this measure would not only help enhance trust among nations and reduce the risk of nuclear war, but also promote international efforts towards the prevention of nuclear proliferation. It held that it was the common aspiration of all countries to reduce armaments and diminish the danger of war. To achieve this objective, the two major Powers with the largest nuclear arsenals should assume a special responsibility and obligation to take the lead in halting the testing, production and deployment of nuclear weapons and drastically cut all types of nuclear weapons deployed at home and abroad. This delegation reminded the CD that in recent years United Nations special sessions on disarmament and the General Assembly had all adopted important documents and resolutions on these items, calling on the CD to submit them to serious consideration and negotiation. Giving priority to nuclear items and taking note of preliminary progress in nuclear disarmament, this State also paid attention to the importance and urgency of conventional disarmament. It considered that, in the process of conventional disarmament, countries that possessed the largest conventional arsenals should assume a special responsibility. Meanwhile, other States in the world, especially those in the regions of tension, should

also be encouraged to take concrete steps to promote the process of conventional disarmament in order to reduce the risk of war. It expressed its support to the efforts of the international community to push ahead with arms control and conventional disarmament in all regions of the world and in regions of tension in particular.

D. Chemical Weapons

88. The list of new documents presented to the Conference under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

89. At its 605th plenary meeting on 4 September 1991, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 582nd plenary meeting (see para. 7 above). That report (CD/1108) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 582nd plenary meeting on 14 February 1991 the Conference on Disarmament adopted the following decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/1058):

> 'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest date, in accordance with United Nations General Assembly resolution 45/57 A and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1991 session, the Ad Hoc Committee to continue the full and complete process of negotiations, developing and working out the convention, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a report on the progress of the negotiations, should be recorded in the report which this Ad Hoc Committee will submit to the Conference at the end of the third part of its 1991 session.'

"2. Further, at the 596th plenary meeting on 20 June 1991, the Conference on Disarmament adopted the following decision (CD/1085):

> 'The Conference on Disarmament, referring to its decision of 14 February 1991 on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/1058), decides to further mandate this Committee to intensify, as a priority task, the negotiations on a multilateral convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction with the view to striving to achieve a final agreement on the

Convention by 1992. A report on the progress of the negotiations should be recorded in the report which this Ad Hoc Committee will submit to the Conference at the end of the third part of its 1991 session.'

"3. At its 595th plenary meeting on 13 June 1991, the Conference on Disarmament adopted the following recommendation (CD/1083):

> 'Taking into account the present stage of its work and with the view, as a matter of high priority, to intensifying ongoing negotiations the Ad Hoc Committee on Chemical Weapons recommends to the Conference on Disarmament that, without prejudice to any further decision on the organization and programme of the work of the Committee during the period up until the start of the 1992 session of the Conference on Disarmament, the Ad Hoc Committee hold an additional regular session of limited duration during the period 8 to 19 July 1991.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"4. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament appointed Ambassador Serguei B. Batsanov of the Union of Soviet Socialist Republics as Chairman of the Ad Hoc Committee.
Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Department for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee.
Mrs. Hannelore Hoppe, Political Affairs Officer, Department for Disarmament Affairs, served as Deputy Secretary of the Ad Hoc Committee.

"5. The Ad Hoc Committee held 23 meetings from 20 February to 27 August 1991.

"6. At their request, the representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Angola, Austria, Bangladesh, Cameroon, Chile, Colombia, Costa Rica, Democratic People's Republic of Korea, Denmark, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Malta, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Senegal, Spain, Syrian Arab Republic, Switzerland, Tunisia, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"7. During the 1991 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament:

- CD/1037, dated 23 August 1990, entitled 'Letter dated 22 August 1990 from the Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting a study on "The Chemical Weapons Convention and the International Inspectorate: a Quantitative Study"'.

- CD/1038, dated 23 August 1990, entitled 'Letter dated 22 August 1990 from the Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting a study on "Toxicity Determinations and the Chemical Weapons Convention"'.

- CD/1040 (also issued as CD/CW/WP.321), dated 31 August 1990, submitted by the delegation of the Islamic Republic of Iran, entitled 'National Trial Inspection'.

- CD/1042 (also issued as CD/CW/WP.322), dated 3 December 1990, submitted by the delegation of Chile, entitled 'Multilateral exchange of data relevant to the Chemical Weapons Convention'.

- CD/1046, dated 18 January 1991, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 8-18 January 1991'.

- CD/1048 (also issued as CD/CW/WP.326), dated 24 January 1991, submitted by the delegation of the Czech and Slovak Federal Republic, entitled 'Data relevant to the Chemical Weapons Convention'.

- CD/1052 (also issued as CD/CW/WP.327), dated 28 January 1991, submitted by the delegations of Canada and the Netherlands, entitled 'Report on a joint chemical weapons trial challenge inspection'.

- CD/1053, dated 4 February 1991, submitted by the delegation of Sweden, entitled 'Verification of the chemical industry within the general pattern of verification of a Chemical Weapons Convention'.

- CD/1055 (also issued as CD/CW/WP.329), dated 5 February 1991, submitted by the delegation of Australia, entitled 'Strategy for preparing for the implementation of the Chemical Weapons Convention in Australia'.

- CD/1056 and Corr.1 (also issued as CD/CW/WP.330 and Corr.1), dated 8 February 1991, submitted by the delegations of Germany and the United Kingdom of Great Britain and Northern Ireland, entitled 'Report on two joint chemical weapons practice challenge inspections'.

- CD/1057 (also issued as CD/CW/WP.331), dated 13 February 1991, submitted by the delegation of New Zealand, entitled 'Report of a national trial inspection'.

- CD/1058, dated 14 February 1991, entitled 'Decision on the Re-establishment of the Ad Hoc Committee on Chemical Weapons'.

- CD/1061 (also issued as CD/CW/WP.332), dated 18 February 1991, submitted by the delegation of Hungary, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/1062 (also issued as CD/CW/WP.334), dated 21 February 1991, entitled 'Letter dated 19 February 1991 from the Permanent Representative of Austria addressed to the Secretary-General of the Conference on Disarmament transmitting three studies related to the verification of chemical weapons'.

- CD/1063 (also issued as CD/CW/WP.335), dated 21 February 1991, submitted by the delegation of France, entitled 'Second trial request inspection'.

- CD/1072, dated 12 March 1991, entitled 'Letter dated 1 February 1991 from the Deputy Permanent Representative of Canada addressed to the

Secretary-General of the Conference on Disarmament transmitting compendia on Chemical Weapons comprising plenary statements and working papers from the 1990 session of the Conference on Disarmament'.

- CD/1074 (also issued as CD/CW/WP.336), dated 20 March 1991, submitted by the delegation of the United States of America, entitled 'A report on the destruction of 3-Quinuclidinyl benzilate (BZ)'.

- CD/1075 (also issued as CD/CW/WP.337), dated 14 May 1991, submitted by the delegation of Peru, entitled 'Working paper on challenge inspections/inspections on request'.

- CD/1076 (also issued as CD/CW/WP.338), dated 17 May 1991, entitled 'Letter dated 16 May 1991 from the Deputy Permanent Representative of Austria to the Secretary-General of the Conference on Disarmament transmitting a study entitled "Detection of inhibitors of the enzyme acetylocholine esterase over long distances using optical fibers"'.

- CD/1077, dated 23 May 1991, entitled 'Letter dated 22 May 1991 from the Acting Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting a statement issued by the President of the United States of America concerning the United States initiative for completing the negotiations on a Chemical Weapons Convention, and a White House Fact Sheet on the initiative'.

- CD/1078 (also issued as CD/CW/WP.340), dated 30 May 1991, entitled, 'Letter dated 30 May 1991 from the Deputy Permanent Representative of Norway to the Deputy Secretary-General of the Conference on Disarmament transmitting a document entitled, "Verification of alleged use of chemical warfare agents: application of procedures after a simulated chemical attack on an air base"'.

- CD/1080 (also issued as CD/CW/WP.341), dated 5 June 1991, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Verification of the Chemical Weapons Convention: practice challenge inspections at civil chemical plants'.

- CD/1082 (also issued as CD/CW/WP.344), dated 12 June 1991, submitted by the delegation of Spain, entitled 'Report on a national trial inspection in the civil chemical industry.'

- CD/1083, dated 13 June 1991, entitled 'Recommendation by the Ad Hoc Committee on Chemical Weapons'.

- CD/1084, dated 14 June 1991, entitled 'Letter dated 7 June 1991 from the Permanent Representative of Norway addressed to the President of the Conference on Disarmament transmitting a research report on verification of a Chemical Weapons Convention entitled "Development of procedures for verification of alleged use of chemical warfare agents. Application of procedures after a simulated chemical attack on an air base. Part X"'.

- CD/1085, dated 20 June 1991, entitled 'Decision on the Mandate of the Ad Hoc Committee on Chemical Weapons'.

- CD/1086, dated 28 June 1991, entitled 'Letter dated 25 June 1991 from the Deputy Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting information regarding United States export controls on chemical weapons-related materials and technology and United States domestic legislation to enforce them'.

- CD/1090, dated 17 July 1991, entitled 'Letter dated 11 July 1991 from the Permanent Representative of Finland addressed to the Secretary-General of the Conference on Disarmament transmitting the latest volume of the Blue Book Series on verification of chemical disarmament, entitled "International Interlaboratory Comparison (Round Robin) Test for the Verification of Chemical Disarmament; F.2 Testing of Procedures on Simulated Industry Samples"'.

- CD/1093 (also issued as CD/CW/WP.354), dated 6 August 1991, submitted by the delegations of the Republic of Poland and the Union of Soviet Socialist Republics, entitled 'Joint report on a trial inspection on request'.

- CD/1100 (also issued as CD/CW/WP.359), dated 14 August 1991, submitted by the delegation of the United States of America, entitled, 'Report on the third United States trial inspection exercise'.

- CD/1101 (also issued as CD/CW/WP.360), dated 15 August 1991, submitted by the delegation of Germany, entitled 'Report on a trial challenge inspection at a large chemical plant site'.

- CD/1102 (also issued as CD/CW/WP.361), dated 15 August 1991, submitted by the delegation of Germany, entitled 'Report on an international trial challenge inspection'.

- CD/1107/Rev.1 (also issued as CD/CW/WP.366/Rev.1), dated 23 August 1991, submitted by the delegation of the United States of America, entitled 'Report on the fourth United States trial inspection exercise'.

"8. In addition, the following Working Papers were presented to the Ad Hoc Committee:

- CD/CW/WP.321 (also issued as CD/1040).

- CD/CW/WP.322 (also issued as CD/1042).

- CD/CW/WP.323, dated 10 January 1991, entitled 'Editing of the Draft Convention'.

- CD/CW/WP.324, dated 10 January 1991, entitled 'Chairman's Paper: Article X - Assistance and Protection against Chemical Weapons'.

- CD/CW/WP.325, dated 17 January 1991, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 8-18 January 1991'.

- CD/CW/WP.326 (also issued as CD/1048).

- CD/CW/WP.327 (also issued as CD/1052).

- CD/CW/WP.328, dated 28 January 1991, submitted by the delegation of the Netherlands, entitled 'How to create an instrumental database for verification'.

- CD/CW/WP.329 (also issued as CD/1055).

- CD/CW/WP.330 and Corr.1 (also issued as CD/1056 and Corr.1).

- CD/CW/WP.331 (also issued as CD/1057).

- CD/CW/WP.332 (also issued as CD/1061).

- CD/WP/WP.333, dated 20 February 1991, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Organization of work for the 1991 session'.

- CD/CW/WP.334 (also issued as CD/1062).

- CD/CW/WP.335 (also issued as CD/1063).

- CD/CW/WP.336 (also issued as CD/1074).

- CD/CW/WP.337 (also issued as CD/1075).

- CD/CW/WP.338 (also issued as CD/1076).

- CD/CW/WP.339, dated 29 May 1991, submitted by the delegation of Belgium, entitled 'National Registers and "definition of capable facilities"'.

- CD/CW/WP.340 (also issued as CD/1078).

- CD/CW/WP.341 (also issued as CD/1080).

- CD/CW/WP.342, dated 6 June 1991, submitted by the delegations of Finland and the Netherlands, entitled 'The network of laboratories under the Chemical Weapons Convention: possible structure and functions'.

- CD/CW/WP.343, dated 12 June 1991, entitled 'Recommendation by the Ad Hoc Committee on Chemical Weapons'.

- CD/CW/WP.344 (also issued as CD/1082).

- CD/CW/WP.345, dated 25 June 1991, submitted by the delegation of the United States of America, entitled 'Analytical database discussion paper'.

- CD/CW/WP.346, dated 25 June 1991, submitted by the delegation of the United States of America, entitled 'Information processing for CW monitoring'.

- CD/CW/WP.347, dated 25 June 1991, submitted by the delegation of the United States of America, entitled 'Quality assurance of verification analytical laboratories'.

- CD/CW/WP.348 and Corr. 1, dated 17 June 1991, submitted by the delegations of Egypt, Ethiopia, Indonesia, Islamic Republic of Iran, Kenya, Nigeria, Pakistan and Yugoslavia, entitled 'Verification of the chemical industry under Article VI and its Annexes'.

- CD/CW/WP.349, dated 12 July 1991, entitled 'Report of the Technical Group on Analytical Data Base and Laboratories'.

- CD/CW/WP.350, dated 12 July 1991, submitted by the delegations of Australia, Canada, China, the Czech and Slovak Federal Republic, Finland, France, Germany, India, the Netherlands, Norway, Sweden, Switzerland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, entitled 'Second International Interlaboratory Comparison (Round-Robin) Test'.

- CD/CW/WP.351, dated 15 July 1991, submitted by the delegation of France, entitled 'Report on a national trial inspection to verify an industrial facility'.

- CD/CW/WP.352, dated 15 July 1991, submitted by the delegations of Australia, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America, entitled 'Recommended text for Article IX - challenge inspection'.

- CD/CW/WP.353, dated 15 July 1991, submitted by the delegation of Australia, entitled 'On-site chemical analysis for verification of non-production of families of scheduled chemicals'.

- CD/CW/WP.354 (also issued as CD/1093).

- CD/CW/WP.355, dated 6 August 1991, submitted by the delegation of The Netherlands, entitled 'The use of thermospray-liquid chromatography mass spectrometry for the verification of chemical warfare agents'.

- CD/CW/WP.356, dated 6 August 1991, submitted by the delegation of the United States of America, entitled 'Challenge inspection procedures for declared facilities'.

- CD/CW/WP.357, dated 8 August 1991, submitted by the delegation of the United States of America, entitled 'Measures to ensure universality'.

- CD/CW/WP.358, dated 13 August 1991, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Proposals for establishing thresholds in the Chemical Weapons Convention: Schedule 2.B'.

- CD/CW/WP.359 (also issued as CD/1100).

- CD/CW/WP.360 (also issued as CD/1101).

- CD/CW/WP.361 (also issued as CD/1102).

- CD/CW/WP.362, dated 19 August 1991, presented by the Friend of the Chair on Technical Matters (Mr. Arend Meerburg), entitled 'Discussion Paper on Schedules and Guidelines'.

- CD/CW/WP.363, dated 21 August 1991, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'.

- CD/CW/364, dated 21 August 1991, submitted by the delegation of the United States of America, entitled 'A Chemical Weapons Convention: staffing and cost estimates for a Technical Secretariat'.

- CD/CW/WP.365, dated 23 August 1991, submitted by the delegation of Romania, entitled 'Information regarding Romanian export controls of precursors, equipment, plants or components thereof which could be used in the manufacturing of chemical weapons'.

- CD/CW/WP.366/Rev.1 (also issued as CD/1107/Rev.1).

"III. SUBSTANTIVE WORK DURING THE 1991 SESSION

"9. In accordance with its mandate, the Ad Hoc Committee continued the negotiation and further elaboration of the Convention. In so doing, it utilized Appendices I and II of CD/1046 (Report of the Ad Hoc Committee on Chemical Weapons on its work during the period 8-18 January 1991), as well as other proposals presented by the Chairman of the Committee, the Chairmen of the Working Groups, Friends of the Chair and by delegations.

"10. In discharging its mandate, the Ad Hoc Committee decided to set up the following three Working Groups:

"(a) Working Group A: Security Issues
(Chairman: Mr. Hassan G. Mashhadi, Islamic Republic of Iran)

- Universality.
- Total destruction of chemical weapons.
- Article XII (Relation to other international agreements).
- Article X (Assistance and protection against chemical weapons).
- Article XI (Economic and technological development).

"(b) Working Group B: Verification Issues
(Chairman: Mr. Sylwin Gizowski, Poland)

- General pattern of verification.
- Verification of non-production of chemical weapons in the chemical industry.
- Article IX (Consultations, cooperation and fact-finding), in particular, Inspections on Request.

- Review of verification-related provisions in the 'Rolling Text'.

- Review of the Text of the Protocol on Inspection Procedures.

- Verification parts of the Annexes to Article IV (Chemical weapons), Article V (Chemical weapons production facilities), and Article VI (Activities not prohibited under the Convention).

"(c) Working Group C: Legal and Institutional Issues
(Chairman: Mr. Andrea Perugini, Italy)

- Preparatory period and Preparatory Commission.

- Jurisdiction and Control.

- Article XIII (Amendments).

- Brackets and footnotes in Article VIII (The Organization).

- Settlement of disputes.

- Financial issues.

- Measures to redress a situation and to ensure compliance, including sanctions.

- Structure and functioning of the future institutions of the Organization/Executive Council.

"11. In order to facilitate deliberations in the Working Groups, the Chairman held consultations, including open-ended consultations, on such specific issues as: Inspections on Request (Article IX); Universality; Relation to Other International Agreements (Article XII); Assistance and protection against chemical weapons (Article X) and Economic and technological development (Article XI); the Executive Council; and, Measures to redress a situation and to ensure compliance, including sanctions. The Chairman also held open-ended consultations on a proposal to convene a session of the Conference on Disarmament at the Foreign Minister level in order to promote the early conclusion of the Convention.

"12. In addition, three Friends of the Chair were appointed to deal with the following specific issues in private and open-ended consultations:

"(a) Technical issues related to Schedules, Guidelines, Definitions etc.:
(Mr. Arend Meerburg, The Netherlands)

"(b) Technical issues related to the destruction of chemical weapons and chemical weapon production facilities, including environmental aspects; and, definition of "capable" facilities:
(Mr. Pierre Canonne, France)

"(c) "Old Chemical Weapons":
(Ambassador Wisber Loeis, Indonesia)
(Ambassador Soemadi D.M. Brotodiningrat, Indonesia)

"13. Furthermore, the Committee decided to establish the Technical Group on Analytical Database and Laboratories, chaired by Dr. Marjatta Rautio of Finland. The Group dealt with issues related to analytical database, its sources and the types and quality of data to be included and accreditation of designated laboratories, their tasks and options for the laboratory network. The Report of the Group on its work during the period 17-21 June 1991 is contained in document CD/CW/WP.349.

"14. During the period 25-27 June 1991, the Committee held a number of meetings with representatives from the chemical industry on the following subjects of relevance to the Convention: (a) verification of the chemical industry under Article VI; and (b) technical aspects of the Convention, in particular the contents of the schedules of chemicals and guidelines, collection and processing of industrial data, analysis of industrial samples, and low concentrations and captive use of scheduled chemicals.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"15. The results of the work undertaken during the 1991 session are reflected in the up-dated versions of the Appendices to CD/1046, attached hereto. Appendix I to this Report represents the present stage of elaboration of the provisions of the Draft Convention. Appendix II contains papers reflecting the results of the work undertaken so far on issues under the Convention. They are included as a basis for future work.

"16. The Ad Hoc Committee recommends to the Conference on Disarmament:

"(a) that Appendix I to this Report be used for further negotiation and drafting of the Convention;

"(b) that other documents reflecting the results of the work of the Ad Hoc Committee, as contained in Appendix II to this Report, together with other relevant present and future documents of the Conference, also be utilized in the further negotiation and elaboration of the Convention;

"(c) that work on the Convention, including meetings with full services, under the Chairmanship of Ambassador Serguei B. Batsanov of the Union of Soviet Socialist Republics be continued until the re-establishment of the Committee for the 1992 session of the Conference on Disarmament, except for the following periods: 9-27 September 1991; 14 October-15 November 1991; 23 December 1991-3 January 1992; and that during these periods, the Chairman of the Committee and other members of the Bureau prepare for the work of the Committee by undertaking active private consultations.

"(d) that it hold meetings with experts on technical aspects of the destruction of chemical weapons during the period 7-11 October 1991.

"(e) that the Ad Hoc Committee on Chemical Weapons be re-established at the outset of the 1992 session of the Conference on Disarmament with its present mandate.

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"APPENDIX I

"PRELIMINARY STRUCTURE OF A CONVENTION ON CHEMICAL WEAPONS

"Preamble

"I. General provisions on scope

"II. Definitions and criteria

"III. Declarations

"IV. Chemical weapons

"V. Chemical weapons production facilities

"VI. Activities not prohibited under the Convention

"VII. National implementation measures

"VIII. The Organization

"IX. Consultations, cooperation and fact finding

"X. Assistance and protection against chemical weapons

"XI. Economic and technological development

"XII. Measures to redress a situation and to ensure compliance, including sanctions

"XIII. Relation to other international agreements

"XIV. Amendments

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"XVII. Signature

"XVIII. Ratification

"XIX. Accession

"XX. Depositary

"XXI. Entry into force

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"PREAMBLE

"The States Parties to this Convention,

"Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

"Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

"Recalling that the General Assembly of the United Nations Organization has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Recognizing that the Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 17 June 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

"Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

"Determined for the sake of all mankind, to completely exclude the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 17 June 1925,

"Considering that the achievements in the field of chemistry should be used exclusively for the benefit of mankind,

"Convinced that the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives,

"Have agreed as follows:

"ARTICLE I

"GENERAL PROVISIONS ON SCOPE

"1. Each State Party to this Convention undertakes never under any circumstances:

"(a) to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

"(b) to use chemical weapons, 1/ 2/;

"(c) to assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

"2. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

"3. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control. 3/ 4/

"4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

"1/ The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations has suggested the following formulation for a provision on herbicides: "Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides".

"2/ It is understood that this includes prohibition of use against States not Party to the Convention.

"3/ The view was expressed that the application of this provision to the destruction of discovered old chemical weapons needs to be further discussed. Another view was expressed that the application of this provision does not allow for any exceptions. The outcome of consultations carried out during the 1990 session on the issue of old chemical weapons is contained in Appendix II.

"4/ During the 1990 session, consultations were carried out on the issue of Jurisdiction and Control, the results of which are contained in Article VII and in Appendix II. Further work was undertaken during the 1991 session, the result of which is now incorporated in Articles I, III-VI. Paragraph 3 of Article I needs further discussion.

"ARTICLE II

"DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

"1. 1/ The term 'Chemical Weapons' shall apply to the following, together or separately: 2/

"(a) Toxic chemicals [, including super-toxic lethal chemicals, other lethal chemicals and harmful chemicals], and their precursors [(including key precursors and key components of binary and/or multicomponent chemical systems for chemical weapons),][as well as other chemicals intended to enhance the effect of the use of those weapons,] except such chemicals intended for purposes not prohibited under the Convention, as long as the types and quantities involved are consistent with such purposes;

"(b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

"(c) Any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

> "[The term 'Chemical Weapons' shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Conference of the States Parties for use by a Party for domestic law enforcement and domestic riot control purposes.]

"1/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the Convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions to solve these problems are given below and consultations on them will be continued.

"2/ One delegation expressed its reservation on the present formulation of the definition of chemical weapons and on the terminology used in (a) that failed to reflect the general purpose criterion.

"2. 'Toxic Chemical' means:

any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans and animals. [1/] This includes all such chemicals, regardless of their origin or method of production and, regardless of whether they are produced in facilities, in munitions or elsewhere.

"3. 'Precursor' means:

a chemical reagent which takes part in the production of a toxic chemical.

[For the purpose of implementing this Convention, toxic chemicals and their precursors identified for monitoring are listed in Schedules contained in the Annex on Chemicals.]

"4. 'Chemical Weapons Production Facility':

"(a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

"(i) as part of the stage in the production of chemicals ('final technological stage') where the material flows would contain, when the equipment is in operation

"(1) any chemical listed in Schedule 1 in the Annex on chemicals, or

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"[1/] The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations suggested the following formulation for a provision on herbicides: 'Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides'.

"(2) any other chemical that has no use, above [one] tonne per year, for purposes not prohibited under the Convention, but can be used for chemical weapons purposes; 1/ 2/

"or

"(ii) For filling chemical weapons, including, inter alia, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers which form part of assembled binary munitions and devices and into chemical submunitions which form part of assembled unitary munitions and devices; and the loading of the containers and chemical submunitions into the respective munitions and devices;

"(b) Does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph (a) (i) above that is less than [one-two] tonne(s); (Alternative: Does not include any facility for synthesis of chemicals specified in subparagraph (a) (i) above with reaction vessels in production lines not configured for continuous operation and in which the volume of the reaction vessels does not exceed [100] litres while the total volume of all reaction vessels with a volume exceeding [five] litres is not more than [500] litres;)

"(c) Does not include the single small-scale facility provided under Annex 1 to Article VI.

"5. 'Purposes Not Prohibited Under the Convention' means:

"(a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes, domestic law enforcement and riot control purposes; and military purposes not connected with the use of chemical weapons;

"(b) Protective purposes, namely those purposes directly related to protection against chemical weapons.

"1/ Any such chemical should be included in a relevant Schedule of chemicals in the Convention.

"2/ A proposal was made to the effect that the definition would not include any facility at which a chemical defined under subparagraph (a) (i) (2) above is produced as an unavoidable by-product in the manufacture of a chemical which has a use for purposes not prohibited under the Convention. Such a facility should be subject to the declarations and the verification provisions provided for under Annex 2 to Article VI, and the by-products defined under subparagraph (a) (i) (2) above should be destroyed under international verification. This proposal needs further consideration.

"6. 'Production Capacity' means:

"(a) The annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in the case of processes not yet operational, planned to be used at the facility;

"(b) For the purpose of the Convention, the production capacity is taken to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, demonstrated by (a) test-run(s). The design capacity is the corresponding theoretically calculated product output.

"ARTICLE III

"DECLARATIONS [1] [2]

"1. Each State Party shall submit to the Organization, not later than 30 days after the Convention enters into force for it, the following declarations:

"(a) Chemical Weapons [3] [4]

"(i) Whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;

"(ii) Whether it has on its territory any chemical weapons located in any place under the jurisdiction or control of other States or that are under the ownership or possession of other States;

"(iii) Whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946.

"(b) Chemical Weapons Production Facilities

"(i) Whether it has or has had any chemical weapons production facilities under its ownership or possession, or located in any place under its jurisdiction or control, at any time since 1 January 1946;

"[1] A view was expressed that the need for this Article and its Annex requires further consideration.

"[2] The view was expressed that, in light of the objective of the Convention, namely, the complete prohibition and thorough destruction of all chemical weapons, further consideration is needed on all aspects of chemical weapons relevant to this Article, including provisions concerning the old chemical weapons abandoned on the territories of other States.

"[3] It was proposed that States Parties should declare whether they have discovered any chemical weapons abandoned, stockpiled or otherwise left by other States Parties on their territories without their consent or knowledge; and whether they have abandoned, stockpiled or otherwise left chemical weapons on the territories of other States during and/or since World War II.

"[4] The question of old chemical weapons was subject to consultations during the 1990 session. The outcome of these consultations can be found in Appendix II.

"(ii) Whether it has or has had on its territory any chemical weapons production facilities located in any place under the jurisdiction or control of other States or that are or were under the ownership or possession of other States, at any time since 1 January 1946;

"(iii) Whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946.

"(c) Other declarations

"The precise location, nature and general scope of activities of any facility and establishment [1] under its ownership or possession, or located in any place under its jurisdiction or control, designed, constructed or used since [1 January 1946] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

"2. Each State Party making affirmative statements in regard to any of the provisions under subparagraphs 1 (a) and 1 (b) of this Article shall carry out all relevant measures envisaged in any or all of Articles IV and V.

"[1] The scope of the phrase 'any facility and establishment' is to be clarified and an appropriate formulation found.

"ARTICLE IV

"CHEMICAL WEAPONS

"1. The provisions of this Article and its Annex shall apply to any and all chemical weapons 1/ owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

"2. Each State Party, not later than 30 days after the Convention enters into force for it, shall submit a declaration in which it shall:

"(a) Specify the precise location, aggregate quantity and detailed inventory of the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control;

"(b) Report any chemical weapons on its territory that are located in any place under the jurisdiction or control of other States;

"(c) Specify any direct or indirect transfer or receipt by the State Party of any chemical weapons since 1 January 1946, and

"(d) Provide its general plan for destruction of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control.

"3. Each State Party shall, immediately after the declaration under paragraph 2 of this Article has been submitted, provide access to the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a chemical weapons destruction facility.

"4. Each State Party shall submit detailed plans for the destruction of chemical weapons not later than 180 days before each annual destruction period begins. The detailed plans shall encompass all stocks to be destroyed during the next annual period, and shall include the precise location and the detailed composition of the chemical weapons which are subject to destruction during that period.

"5. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the

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"1/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.

"6. Each State Party shall:

"(a) Destroy any 1/ chemical weapons it owns or possesses or that are located in any place under its jurisdiction or control, pursuant to the order of destruction specified in the Annex to Article IV, beginning not later than one year after the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying them at a faster pace;

"(b) Provide information annually regarding the implementation of its plans for destruction of chemical weapons; and

"(c) Certify, not later than 30 days after the destruction process has been completed, that any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, have been destroyed.

"7. Each State Party, during its transportation, sampling, storage, and destruction of any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State party shall transport, sample, store and destroy such chemical weapons in accordance with national standards for safety and emissions.

"8. Each State Party shall provide access to any chemical weapons destruction facilities and the facilities' storage it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of destruction through the continuous presence of inspectors and continuous monitoring with on-site instruments, in accordance with the Annex to Article IV.

"9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 2/ 3/

"1/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

"2/ Consultations were carried out on this issue. The results are reflected in CD/CW/WP.177/Rev.1. Different views were expressed, inter alia, on the question of the responsibility for the destruction of these weapons. Further work is needed.

"3/ For some delegations, the question of the applicability of this Annex to obsolete chemical weapons (ordnances) retrieved from the combat zones of World War I will have to be resolved later.

"10. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article IV.

"11. Any State Party which has on its territory chemical weapons located in any place under the jurisdiction or control, or under the ownership or possession of a State not Party to this Convention, shall ensure that such weapons are removed from its territory not later than 30 days after the Convention enters into force for it.

"12. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article III and the Annex to Article IV.

"ARTICLE V

"CHEMICAL WEAPONS PRODUCTION FACILITIES

"1. The provisions of this Article shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

"2. Each State Party with any chemical weapons production facility shall cease immediately all activity at any chemical weapons production facility it owns or possesses or, that is located in any place under its jurisdiction or control, except that required for closure.

"3. No State Party shall construct any new chemical weapons production facility or modify any existing facility for the purpose of chemical weapons production or for any other purpose prohibited under the Convention.

"4. Each State Party, not later than 30 days after the Convention enters into force for it, shall submit a declaration in which it shall:

"(a) Specify any chemical weapons production facilities it has owned or possessed, or that have been located in any place under its jurisdiction or control, at any time since 1 January 1946;

"(b) Specify any chemical weapons production facilities that have been located on its territory in any place under the jurisdiction or control of other States, at any time since 1 January 1946;

"(c) Specify any transfer or any receipt, directly or indirectly, of any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946;

"(d) Specify actions to be taken for closure of any chemical weapons production facility it owns or possessess, or that are located in any place under its jurisdiction or control;

"(e) Provide its general plan for destruction for any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control;

"(f) Provide its general plan for any temporary conversion of any chemical weapons production facility into a chemical weapons destruction facility.

"5. Each State Party shall, immediately after the declaration under paragraph 4 has been submitted, provide access to any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of the declaration through on-site inspection.

"6. Each State Party shall:

"(a) Close not later than 90 days after the Convention enters into force for it, any chemical weapons production facility it owns or possesses or that are located in any place under its jurisdiction or control in a manner that will render each facility inoperable and give notice thereof; and

"(b) Provide access to any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, subsequent to closure, for the purpose of systematic international on-site verification through periodic on-site inspection and continuous monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

"7. Each State Party shall submit detailed plans for destruction of any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, not later than six months before the destruction of the facility begins.

"8. Each State Party shall:

"(a) Destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, and related facilities and equipment as specified in Section III-A of the Annex to Article V, in accordance with the order of destruction specified in that Annex, beginning not later than one year after the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying them at a faster pace;

"(b) Provide information annually regarding the implementation of its plans for the destruction of the chemical weapons production facilities it owns or possesses or that are located in any place under its jurisdiction or control;

"(c) Certify, not later than 30 days after the destruction process has been completed, that the chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, have been destroyed.

"9. Each State Party, during its destruction of any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy such chemical weapons production facilities in accordance with national standards for safety and emissions.

"10. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons in accordance with the provisions of the

Annex to Article V. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than 10 years after the Convention enters into force.

"11. Each State Party shall provide access to any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, for systematic international on-site verification through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article V.

"12. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article V.

"ARTICLE VI

"ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION 1/ 2/ 3/ 4/

"1. Each State Party:

"(a) Has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention;

"(b) Shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited under the Convention.

"2. Each State Party shall submit facilities described in paragraph 3 and chemicals listed in Schedules 1, 2A, 2B and 3, that are located within its territory or in any place under its jurisdiction or control, to the provisions in annexes 1, 2 and 3 to this Article. 5/

"3. Toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3 which could be used for purposes prohibited under the Convention, as well as

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"1/ This Article and its Annexes 2 and 3 need further consideration on the basis of CD/CW/WP.256.

"2/ One delegation considers that the terminology used in this Article and its Annexes should be consistent with the final definition of chemical weapons to be agreed upon.

"3/ One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

"4/ The view was expressed that universal adherence to this Convention is of the highest priority. To this end, document CD/CW/WP.357, which will be discussed during the intersessionals, proposes that the Convention should contain provisions which limit trade in scheduled chemicals and materials to States Parties only.

"5/ It is to be discussed further whether the prohibition contained in paragraph 1, Annex 1 to Article VI, should be extended to the chemicals in Schedules 2 and 3. In this context, a view was expressed that such an extension would pose particular legal problems in the light of the obligations for national implemention under Article VII, paragraph 1 (c). Another view was expressed that if States Parties are allowed to produce, acquire, retain, transfer or use chemicals in Schedules 2 and 3 on the territories of non-States Parties, the extension of the scope of this paragraph needs further consideration.

facilities which produce, process or consume these toxic chemicals or precursors, shall be subject to international monitoring as provided in Annexes 1, 2 and 3 to this Article. The Schedules of chemicals may be revised according to Section IV of the Annex on Chemicals.

"4. Not later than 30 days after the entry into force of the Convention for it, each State Party shall declare data on relevant chemicals and the facilities which produce them, in accordance with Annexes 1, 2 and 3 to this Article.

"5. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with Annexes 1, 2 and 3 to this Article.

"6. Each State Party shall subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this Article to the measures contained in that Annex.

"7. Each State Party shall subject chemicals listed in Schedule 2, parts A and B, and facilities declared under Annex 2 to this Article to monitoring by data reporting and systematic international on-site verificiation, through on-site inspection and use of on-site instruments as long as production and processing are not impaired.

"8. Each State Party shall subject chemicals listed in Schedule 3 and facilities declared under Annex 3 to this Article to monitoring by data reporting.

"9. The provisions of this Article shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for peaceful purposes including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 1/

"10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for peaceful purposes.

"11. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Annexes to this Article.

* * *

"Many delegations are of the view that a new text will ultimately replace this Article. Some work done in the interim is reflected in the text to be found in the Section 'Other Documents' in Appendix I.

"1/ The inclusion of this paragraph in this Article is to be considered further.

"ARTICLE VII

"NATIONAL IMPLEMENTATION MEASURES 1/

"General undertakings

"1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention, and, in particular:

"(a) to prohibit natural and legal persons anywhere on its territory or in other places under its jurisdiction as recognized by international law from undertaking any activity that a State Party to this Convention is prohibited from undertaking by this Convention;

"(b) not to permit any activity as referred to under (a) in any place under its control; and

"(c) to enact penal legislation, which shall extend to such activities as referred to under (a) undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

"2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under this Article.

"3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard. 2/

"Relations between the State Party and the Organization

"4. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement the Convention.

"5. States Parties shall treat as confidential and afford special handling to information which they receive in connection with the implementation of the Convention from the Organization. They shall treat such information exclusively in connection with their rights and obligations under the Convention and in accordance with the provisions set out in the Annex on the Protection of Confidential Information. 3/

"1/ The view was expressed that the placement of Article VII needs to be discussed further.

"2/ A view was expressed that the degree of priority to be attached to the environment with respect to national obligations in Article VII needs further consideration.

"3/ A view was expressed that further discussion on this subject is necessary.

"6. In order to fulfil its obligations under the Convention, each State Party shall appoint a National Authority and inform the Organization of the designated National Authority at the time that the Convention enters into force for it. The National Authority shall serve as the national focal point for effective liaison with the Organization and other States Parties. 1/

"7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat including data reporting, assistance for international on-site inspections, provided for in this Convention, and a response to all its requests for the provision of expertise, information and laboratory support.

"1/ The view was expressed that the role of the National Authority might need to be further developed.

"ARTICLE VIII

"THE ORGANIZATION 1/

"General Provisions

"1. The States Parties to the Convention hereby establish the Organization for the Prohibition of Chemical Weapons, to achieve the objectives of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and co-operation among States Parties. 2/

"2. All States Parties to the Convention shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.

"3. The seat of the Headquarters of the Organization shall be ...

"4. There are hereby established as the organs of the Organization the Conference of the States Parties, 3/ the Executive Council and the Technical Secretariat.

"5. The verification activities described in this Convention shall be conducted in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. The Organization shall request only the information and data necessary to fulfil its responsibilities under the Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of the Convention and, in particular, shall abide by the provisions set out in the Annex on the Protection of Confidential Information.

"1/ One delegation has expressed reservations with regard to the approach being given to the concept of an Organization for the Prohibition of Chemical Weapons, or any other similar solution for this purpose, and has expressed the view that before proceeding further in the examination of this question, there is a need to define the principles that will govern the financing of such an Organization.

"2/ A view was expressed that the achievement of these objectives should be sought in close cooperation with the United Nations.

"3/ A view was expressed that the designation of this highest organ, to which many references are made throughout the text, should be determined only after further consideration of other provisions of the Convention and that, in this connection, the possibility of using the designation 'the General Conference' may also be considered.

"The Conference of the States Parties

"Composition, procedure and decision-making

"6. The Conference of the States Parties shall be composed of all the States Parties to this Convention. Each State Party shall have one representative in the Conference of the States Parties, who may be accompanied by alternates and advisers.

"7. The first session of the Conference of the States Parties shall be convened by the Depositary at (venue) not later than 30 days after the entry into force of the Convention.

"8. The Conference of the States Parties shall meet in regular sessions which should be held annually unless it decides otherwise. Special sessions shall be convened:

"(a) When decided by the Conference of the States Parties;

"(b) When requested by the Executive Council; or

"(c) When requested by any State Party and supported by one third of the States Parties.

The special session shall be convened not later than 30 days after lodgement of the request with the Director-General unless specified otherwise in the request.

"9. Sessions shall take place at the headquarters of the Organization unless the Conference of the States Parties decides otherwise.

"10. The Conference of the States Parties shall adopt its Rules of Procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

"11. A majority of the members of the Conference of the States Parties shall constitute a quorum.

"12. Each member of the Conference of the States Parties shall have one vote.

"13. The Conference of the States Parties shall take decisions on questions of procedure, including decisions to convene special sessions of the Conference, by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference prior to the end of the period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless otherwise specified in the

Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Conference by the majority required for decisions on questions of substance.

"Powers and functions

"14. The Conference of the States Parties shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of the Convention, including those relating to the powers and functions of the Executive Council and Technical Secretariat. It may make recommendations and take decisions 1/ on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council.

"15. The Conference of the States Parties shall oversee the implementation of the Convention, and act in order to promote its objectives. It shall review compliance with it. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with the Convention to either of them in the exercise of their functions.

"16. In addition, the powers and functions of the Conference of the States Parties shall be:

"(a) To consider and adopt at its regular sessions the report of the Organization, consider other reports and consider and adopt the programme and budget of the Organization, submitted by the Executive Council;

"(b) To [encourage] [promote] international co-operation for peaceful purposes in the field of chemical activities;

"(c) To review scientific and technological developments which could affect the operation of the Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board 2/ to enable him, in

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"1/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

"2/ A view was expressed that the subject needs further examination, including therelationship with other organs of the Organization and its financial implications.

the performance of his functions, to render to the Conference of the States Parties, the Executive Council or States Parties independent and specialized advice in areas of science and technology relevant to the Convention; 1/

"(d) To decide on the scale of financial contributions to be paid by States Parties; 2/

"(e) To elect the members of the Executive Council;

"(f) To appoint the Director-General of the Technical Secretariat;

"(g) To approve the Rules of Procedure of the Executive Council submitted by the latter;

"(h) To establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention; 3/

"(i) ... 4/

"17. The Conference of the States Parties shall, after the expiry of five and ten years from the entry into force of this Convention and at such other times within that time period as may be agreed on, meet in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise agreed upon by a majority of the States Parties, further sessions of the Conference of the States Parties shall be convened with the same objective.

"1/ Terms of reference for the Scientific Advisory Board should be elaborated once the Chemical Weapons Convention enters into force. Several delegations considered that this should be done before the appointment of the members of the Scientific Advisory Board.

"2/ The entire problem of the costs of the Organization needs to be considered.

"3/ It has been proposed that a Fact-finding Panel be established as a subsidiary body.

"4/ The question of functions relating to the implementation of Articles X and XI will be considered at a later stage. Other functions, e.g. the action to be taken in the event of non-compliance by a State Party, could be included as well.

"The Executive Council

"Composition, procedure and decision-making 1/

"18. (To be elaborated)

"Powers and functions

"19. The Executive Council shall be the executive organ of the Conference of the States Parties, to which it shall be responsible. It shall carry out the powers and functions entrusted to it under the Convention and its Annexes, as well as such functions delegated to it by the Conference of the States Parties. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference of the States Parties and assure their continuous and proper implementation.

"20. In particular, the Executive Council shall:

"(a) Promote the effective implementation of, and compliance with, the Convention;

"(b) Supervise the activities of the Technical Secretariat;

"(c) Cooperate with the appropriate national authorities of States Parties and facilitate consultations and co-operation among States Parties at their request;

"(d) Consider any issue or matter within its competence, affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, 2/ and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference of the States Parties. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, *inter alia*, abuse of the

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"1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1989 session. The outcome of these consultations is contained in Appendix II. During the 1990 and 1991 sessions the chairmen of the Ad Hoc Committee conducted consultations on these issues.

"2/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

rights provided for by the Convention, 1/ the Executive Council shall consult with the State Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures: 2/

"(i) inform all States Parties of the issue,

"(ii) bring the issue to the attention of the Conference of the States Parties,

"(iii) make recommendations to the Conference of the States Parties regarding measures to redress the situation and ensure compliance.

The Executive Council shall in cases of particular gravity and urgency, bring the issue, including relevant information and conclusions directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

"(e) Consider and submit to the Conference of the States Parties the draft programme and budget of the Organization;

"(f) Consider and submit to the Conference of the States Parties the draft report of the Organization on the implementation of the Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference of the States Parties may request;

"(g) Conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the Conference of the States Parties, and approve agreements relating to the implementation of verification activities, negotiated by the Director-General of the Technical Secretariat with States Parties;

"(h) Conclude agreements with States Parties in connection with Article X and supervise the voluntary fund for the purpose of this Article;

"(i) (i) Meet for regular sessions. Between regular sessions, it shall meet as often as may be required for the fulfilment of its functions;

"(ii) Elect its Chairman;

"(iii) Elaborate and submit its Rules of Procedure to the Conference of the States Parties for approval;

"1/ The view was expressed that it was not necessary to mention the abuse of rights as a specific case of non-compliance.

"2/ The view was expressed that the role of the Executive Council at this juncture needs further elaboration.

"(iv) Make arrangements for the sessions of the Conference of the States Parties including the preparation of a draft agenda.

"21. The Executive Council may request the convening of a special session of the Conference of the States Parties.

"The Technical Secretariat

"22. A Technical Secretariat shall be established to assist the Conference of the States Parties and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the functions entrusted to it under the Convention and its Annexes, as well as such functions assigned to it by the Conference of the States Parties and the Executive Council.

"23. In particular, the Technical Secretariat shall:

"(a) Address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of the Convention;

"(b) Negotiate the agreements on subsidiary arrangements with States Parties relating to systematic international on-site verification for approval by the Executive Council;

"(c) Carry out international verification measures provided for in the Convention; 1/

"(d) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the Conference of the States Parties may request;

"(e) Inform the Executive Council of any problems which have arisen with regard to the execution of its functions, including doubts, ambiguities or uncertainties about compliance with the Convention which have come to its notice in the performance of its verification activities and which it has been unable to resolve or clarify through its consultations with the State Party concerned;

"(f) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention, including evaluations of listed and unlisted chemicals;

"(g) Prepare and submit to the Executive Council the draft programme and budget of the Organization;

"(h) Provide administrative and technical support to the Conference of the States Parties, the Executive Council and other subsidiary organs.

"1/ It has been suggested that the Inspectorate may request inspections for some insufficiently clear situations in the context of their systematic verification activities.

"(i) In relation with Article X, paragraph 6, administer the voluntary fund, compile declarations made by States Parties and register, when requested, bilateral agreements concluded between States Parties or a State Party and the Organization for the purposes of Article X.

"24. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General of the Technical Secretariat.

"25. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and inspectors and such scientific, technical and other personnel as may be required.

"26. The Director-General of the Technical Secretariat shall be appointed by the Conference of the States Parties upon the recommendation of the Executive Council for four years renewable for one further term, but not thereafter. The Director-General shall be responsible to the Conference of the States Parties and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of services shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper execution of its responsibilities.

"27. Consequent to paragraph 16 (c) above, the Director-General is responsible for the organization and functioning of the Scientific Advisory Board. He shall, in consultation with States Parties, appoint members of the Scientific Advisory Board who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of the Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.

"28. In the performance of their duties, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their positions as international officers responsible only to the Conference of the States Parties and the Executive Council.

"29. Each State Party shall undertake to respect the exclusively international character of the responsibilities of the Director-General of the Technical Secretariat, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

"ARTICLE IX

"CONSULTATIONS, COOPERATION AND FACT-FINDING 1/

"1. States Parties shall consult and cooperate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

"2. States Parties shall make every possible effort to clarify and resolve, through exchange of information and consultations among them, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, not later than ... days after the request, with information sufficient to answer the doubts or concerns raised along with an explanation on how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

"Procedure for requesting clarification

"3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to doubts about the compliance of another State Party with the Convention. The Executive Council shall provide appropriate information and data in its possession relevant to the situation which can dispel such doubts.

"4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to doubts about its compliance with the Convention. In such a case, the following shall apply:

"(a) The Executive Council shall forward the request for clarification to the State Party concerned not later than 24 hours after its receipt;

"(b) The requested State Party shall provide the clarification to the Executive Council not later than seven days after the receipt of the requests;

"1/ The Chairman of the Ad Hoc Committee for the 1990 session undertook open-ended consultations on Article IX as a whole.

"(c) The Executive Council shall forward the clarification to the requesting State Party not later than 24 hours after its receipt;

"(d) In the event that the requesting State Party deems the clarification to be inadequate, it may request the Executive Council to obtain from the requested State Party further clarification;

"(e) For the purpose of obtaining further clarification requested under subparagraph (d) above, the Executive Council may set up a group of experts to examine all available information and data relevant to the situation causing the doubt. The group of experts shall submit a factual report to the Executive Council on its findings;

"(f) Should the requesting State Party consider the clarification obtained under subparagraphs (d) and (e) above to be unsatisfactory, it may request a special meeting of the Executive Council in which States Parties involved not members of the Executive Council shall be entitled to take part. In such a special meeting, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

"5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to doubts about its compliance with the Convention. The Executive Council shall respond by providing such assistance as appropriate.

"6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

"7. If the doubts or concerns of a State Party about compliance have not been resolved not later than 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Conference of the States Parties in accordance with Article VIII. In such a special session, the Conference of the States Parties shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

"Procedure for requesting a fact-finding mission

"(The further contents of Article IX remain to be elaborated. 1/)

"1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1987 session and the Chairman of Group C for the 1988 session. The state of affairs was contained in CD/952. The Chairman of the Ad Hoc Committee for the 1989 session undertook consultations on Article IX, Part 2, the outcome of which is contained in Appendix II. The Chairman of the Ad Hoc Committee for the 1991 session undertook further consultations on the question of inspections under Article IX.

"ARTICLE X

"ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

"1. For the purposes of this Article, assistance means the coordination and delivery to States Parties of protection against chemical weapons, that covers, inter alia, the following areas: detection equipment and alarm systems, protective equipment, decontamination equipment and decontaminants, medical antidotes and treatments and advice on any of these protective measures.

"2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to it to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited by the Convention.

"3. All States Parties to the Convention undertake to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

"4. The Technical Secretariat shall establish within six months after the entry into force of the Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

"The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist it in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

"5. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

"6. Each State Party undertakes to provide assistance through the Organization and to this end to elect:

"(i) to contribute to the voluntary fund for assistance to be established by the Conference of the States Parties at its first session; and/or

"(ii) to conclude, if possible within six months after the entry into force of the Convention for it, agreements with the Organization concerning the procurement, upon demand, of assistance; and/or

"(iii) to declare within six months after the entry into force of the Convention for it the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State

Party is unable to provide the assistance envisaged in its declaration, it is still under obligation to provide assistance in accordance with this paragraph.

"7. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 8, 9 and 10 below, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:

- chemical weapons have been used against it;

- it faces actions or activities by any State which are prohibited for States Parties by Article I of this Convention.

"8. The request, substantiated by relevant information, shall be made to the Director-General of the Technical Secretariat, who shall immediately inform all States Parties and the Executive Council about it.

"The Director-General of the Technical Secretariat shall initiate within 24 hours an investigation in order to provide foundation for action, complete it within 72 hours and forward a report to the Executive Council. If further time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours and may be extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying it, establish relevant facts related to the request as well as the types and scope of assistance and protection needed.

"9. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple majority in the following 24 hours on whether to instruct the Technical Secretariat to provide assistance. The Technical Secretariat shall immediately communicate to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General of the Technical Secretariat shall provide assistance immediately. For this purpose, he may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

"10. In case the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General of the Technical Secretariat shall inform all States Parties and shall take emergency measures of assistance, using the resources the Conference of States Parties has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of action he is taking in this respect.

"ARTICLE XI

"ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

"1. The provisions of this Convention shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of Parties to the Convention and international cooperation in the field of chemical activities for purposes not prohibited under the Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention.

"2. The States Parties to this Convention, subject to its provisions, shall:

"(a) have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;

"(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by this Convention;

"(c) not impose among themselves any restrictions [on a discriminatory basis] which would impede development and promotion of scientific and technological knowledge in the field of chemistry for purposes not prohibited under the Convention.

"[(d) undertake to withdraw all existing discriminatory restrictions in the chemical field applied to States Parties as soon as the Convention enters into force.] 1/

"[(d) undertake to review the existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purposes of this Convention.]

"This provision shall be without prejudice to the generally recognized principles and applicable rules of international law concerning chemical activities for purposes not prohibited under the Convention including those concerning proprietary rights and environmental or health protection.

"1/ Some delegations hold the view that exceptions should be made for existing restrictions required by States Parties to prevent the proliferation of chemical weapons, to advance other objectives of the Convention, or for other important national foreign policy objectives.

"ARTICLE XII

"MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

"1. The Conference of the States Parties shall take the necessary measures, as provided for under paragraphs 2 to 4 below, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention. In considering action under this paragraph, the Conference of the States Parties shall take into account all information and recommendations on the issues submitted by the Executive Council.

"2. In cases where a State Party has been requested to take measures to redress a situation raising problems with regard to its compliance and where the State Party fails to fulfil the request within the specified time, the Conference of the States Parties may - inter alia - restrict or suspend the State Party's rights and privileges 1/ under the Convention until it undertakes the necessary action to conform with its obligations under the Convention.

"3. In cases where serious damage to the objectives and purposes of the Convention may result from actions prohibited by the Convention, in particular by Article I, the Conference of the States Parties may recommend collective measures to States Parties in conformity with international law. 2/

"4. The Conference of the States Parties shall in cases of particular gravity, bring the issue, including relevant information and conclusions to the attention of the United Nations General Assembly and the United Nations Security Council.

"ARTICLE XIII

"RELATION TO OTHER INTERNATIONAL AGREEMENTS

"Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

"1/ The view was expressed that the question of restricting or suspending States Parties' rights and privileges needs further consideration.

"2/ The view was expressed that further consideration should be given to this issue in connection with Article VIII, paragraph 20 (d).

"ARTICLE XIV

"AMENDMENTS 1/

"1. Any State Party may propose amendments to this Convention, 2/ including procedures in paragraphs 2 and 3 of this Article except proposals concerning provisions subject to a simplified amendment procedure as provided for under paragraphs 4 and 5.

"2. The text of a proposed amendment shall be submitted to the Director-General of the Technical Secretariat for circulation to all States Parties of the Convention. It shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify to the Director-General not later than [..] days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference of the States Parties unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

"3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under (b) below:

"(a) When adopted by the Amendment Conference by a positive vote of a majority 3/ of States Parties with no State Party casting a negative vote; 4/ 5/ 6/

"(b) And ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

"1/ The view was expressed that this Article needs further development on the basis of future consideration.

"2/ The view was expressed that provisions which, if amended, would change the character of the Convention, should not be subject to amendments.

"3/ The view was expressed that 'majority' needs further clarification.

"4/ The view was expressed that the adoption of an amendment by consensus should be further considered. Another view was expressed that decisions on proposed amendments could also be taken by a qualified majority, in particular, on amendments to (parts of) Article VIII.

"5/ The view was expressed that the effect of allowing as little as one negative vote to prevent the adoption of a proposal for an amendment might in practice make the Convention unamendable.

"6/ Concerns were expressed as to the fact that with the proposed provision a State Party could be bound by an amendment without having approved or ratified it.

"4. The following provisions shall be subject to a simplified amendment procedure:

schedules [as specified in the Annex on Chemicals] 1/
guidelines [as specified in the Annex on Chemicals] 1/
... 2/

"5. (a) Proposals for amendments under a simplified amendment procedure shall be transmitted together with the necessary information to the Director-General of the Technical Secretariat. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General of the Technical Secretariat. The Director-General of the Technical Secretariat shall promptly communicate any such proposals and information to all States Parties and the Executive Council;

"(b) The Executive Council shall examine the proposal in the light of all information available to it. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

"(c) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no more than [x] States Parties object to it not later than 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no more than [x] States Parties object to the rejection not later than 90 days after receipt of the recommendation; 3/

"(d) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (c), a decision on the proposal shall be taken as a matter of substance by the Conference of the States Parties at its next session;

"1/ Views were expressed that further consideration is needed on this matter. Additional views were expressed that this was particularly the case for the revision of guidelines.

"2/ The list of other relevant provisions has to be established at a later stage.

"3/ The view was expressed that this amendment procedure should not constitute a precedent with regard to powers and functioning of the Executive Council.

"(e) The Executive Council may itself propose amendments, making use of information provided by the Director-General of the Technical Secretariat. In such cases, subparagraphs (c) and (d) shall be applied accordingly;

"(f) The Director-General shall notify all States Parties of any decision under this paragraph;

"(g) An amendment approved under this procedure shall enter into force for all States Parties 60 days after the date of its notification by the Director-General unless otherwise recommended by the Executive Council or decided by the Conference of the States Parties.

"ARTICLE XV

"DURATION AND WITHDRAWAL 1/

"1. This Convention shall be of unlimited duration.

"2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties and the (United Nations Security Council) (Depositary) 90 days in advance. 2/ Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

"3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 17 June 1925.

"1/ A view was expressed that the withdrawal of any State Party shall not affect its obligations under Article I of this Convention.

"2/ A view was expressed that the question of possibly setting different periods for the purpose of different circumstances relating to withdrawal, instead of a single period, requires further consideration.

"ARTICLE XVI

"SETTLEMENT OF DISPUTES

"1. Disputes which may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.

"2. When a dispute arises between two or more Parties relating to the interpretation or application of this Convention, the Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the Parties' choice, including recourse to appropriate organs of the Convention and/or, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.

"3. The Executive Council [may] [shall] contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices [, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure].

"4. The Conference of the States Parties shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference of the States Parties shall, as it finds necessary, establish and/or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 16 (h). [1]

"5. The Conference of the States Parties and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization.

"6. This Article is without prejudice to Article IX or to the provisions on Measures to redress a situation and to ensure compliance, including sanctions.

"[1] It is understood that the competence of existing international administrative tribunals (United Nations Administrative Tribunal or International Labour Organisation Administrative Tribunal) for staff disputes might be recognized, subject to the rules of relevant organizations, through an appropriate resolution of the Conference of the States Parties.

"ARTICLE XVII

"SIGNATURE

"This Convention shall be open for signature for all States before its entry into force at (venue). 1/ 2/

"ARTICLE XVIII

"RATIFICATION

"This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

"ARTICLE XIX

"ACCESSION

"Any State which does not sign the Convention before its entry into force may accede to it at any time. 3/

"ARTICLE XX

"DEPOSITARY 4/

"The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall:

"1. Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party;

"1/ One delegation expressed the view that the Convention should be open for signature indefinitely.

"2/ One delegation was of the view that this Article and the following Articles related to ratification, accession, deposit of instruments and entry into force should be contained under one Article.

"3/ One delegation expressed a view that accession would not be necessary.

"4/ It is to be discussed if other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

"2. Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States;

"3. Register this Convention pursuant to Article 102 of the Charter of the United Nations.

"ARTICLE XXI

"ENTRY INTO FORCE

"1. This Convention shall enter into force (30) days after the date of the deposit of the (60th) instrument of ratification.

"2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the (30th) day following the date of deposit of their instrument of ratification or accession. 1/

"ARTICLE XXII

"LANGUAGES AND AUTHENTIC TEXTS

"This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"1/ It is to be discussed further how to ensure that all 'chemical weapons possessing' and 'chemical weapons capable' States be among those States whose ratification would be required for the Convention to enter into force.

"ANNEXES

"ANNEX ON CHEMICALS

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"ANNEX ON CHEMICALS

"I. DEFINITIONS 1/

"A. Definitions related to toxicity

"(a) 'super-toxic lethal chemicals', means chemicals which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) when measured by an agreed method 2/ set forth in ...

"['Ultra-toxic chemicals' means super-toxic lethal chemicals which have a median lethal dose which is less than or equal to 0.1 mg/kg.]

"[(b) 'other lethal chemicals', means chemicals which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation) when measured by an agreed method set forth in ...

"[(c) 'other harmful chemicals', means any [toxic] chemicals not covered by (a) or (b) above, [including toxic chemicals which normally cause temporary incapacitation rather than death] [at similar doses to those at which super-toxic lethal chemicals cause death].]

"[and 'other harmful chemicals', means chemicals which have a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation).]]

"B. Definitions related to precursor chemicals

"(a) 'Key Precursor' means:

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical.

"It may possess [possesses] the following characteristics:

"1/ The final placement of these definitions within the Convention will be decided at a later stage.

"2/ It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

"(i) It may play [plays] an important role in determining the toxic properties of a [toxic chemical prohibited by the Convention] [super-toxic lethal chemical].

"(ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

"[(iii) It may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] 1/

"[(b) Key component of binary and/or multicomponent chemical systems for chemical weapons means:]

"[a precursor which forms a toxic chemical in the binary or multicomponent weapons munition or device and which has the following additional characteristics (to be elaborated):]

"1/ The position of this subparagraph should be decided in relation to how some chemicals, for instance, isopropylalcohol, are dealt with in the Convention.

"II. SCHEDULES OF CHEMICALS 1/ 2/

(CAS number)

"A. Schedule 1

"1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates 3/

e.g. Sarin: O-isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-pinacolyl methylphosphonofluoridate	(96-64-0)

"2. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates 3/

e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate	(77-81-6)

"3. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated and protonated salts 3/

e.g. VX: O-ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

"4. Sulphur mustards:

2-Chloroethylchloromethylsulphide	(2625-76-5)
bis(2-chloroethyl)sulphide: Mustard gas (H)	(505-60-2)
bis(2-chloroethylthio)methane	(63869-13-6)
1,2-bis(2-chloroethylthio)ethane: Sesquimustard (Q)	(3563-36-8)
1,3-bis(2-chloroethylthio)-n-propane	(63905-10-2)
1,4-bis(2-chloroethylthio)-n-butane	
1,5-bis(2-chloroethylthio)-n-pentane	
bis(2-chloroethylthiomethyl)ether	
bis(2-chloroethylthioethyl)ether: O-Mustard (T)	(63918-89-8)

"1/ Further consultations were held during 1991 on the Schedules of Chemicals. The Friend of the Chair on Technical Matters prepared a discussion paper for further consideration, which is contained in document CD/CW/WP.362.

"2/ The ultimate composition of these Schedules depends, inter alia, on the final guidelines for the Schedules, on the to be agreed verification regime with respect to the chemical industry, on actual production levels of certain chemicals and on the thresholds for declaration and verification to be agreed for Schedule 2 B. This means that chemicals may at a later stage in the negotiations be added to, transferred between or removed from the Schedules. Further consideration also needs to be given to the specific verification requirements with respect to toxins.

"A view was expressed that the composition of the Schedules should be based solely on the criteria contained in the guidelines for the Schedules.

"3/ The precise delimitation of this group requires further discussion.

"5. Lewisites:

Lewisite 1:	2-chlorovinyldichloroarsine	(541-25-3)
Lewisite 2:	bis(2-chlorovinyl)chloroarsine	(40334-69-8)
Lewisite 3:	tris(2-chlorovinyl)arsine	(40334-70-1)

"6. Nitrogen mustards:

HN1:	bis(2-chloroethyl)ethylamine	(538-07-8)
HN2:	bis(2-chloroethyl)methylamine	(51-75-2)
HN3:	tris(2-chloroethyl)amine	(555-77-1)

"7. 3-Quinuclidinyl benzilate (BZ) 1/ 2/ (6581-06-2)

"8. Saxitoxin 3/ (35523-89-8)

"9. Ricin 3/

"10. Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluoride 3/

e.g. DF: methylphosphonyldifluoride (676-99-3)

"11. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding alkylated and protonated salts 4/

e.g. QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite (57856-11-8)

"1/ The desirability of extending this item to include also related chemicals should be further discussed.

"2/ The view was expresssed that this chemical should be included in Schedule 2 part B because of its production (as an intermediate in captive use) for purposes not prohibited under the Convention.

"3/ The placement of toxins on the Schedule requires further consideration. A view was expressed that relevant toxins should be considered for inclusion in Schedule 2 part B, for example, in a separate section with lower thresholds for declaration and verification compared with other chemicals on that Schedule. Another view was expressed that different toxins could be included in different Schedules in accordance with the guidelines for those Schedules.

"4/ The view was expressed that other members than DF and QL should be put on Schedule 2 part A, where however they are already covered by the first item.

"[12. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonochloridates 1/ 2/

e.g. Chloro
Sarin: O-isopropyl methylphosphonochloridate (1445-76-7)
Chloro Soman: O-pinacolyl methylphosphonochloridate (7040-57-5)]

"[13. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 3/ (464-07-3)]

"B. Schedule 2 part A

"1. Chemicals containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, except for those chemicals listed under Schedule 1. 1/

"2. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides

"3. Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates

"4. Arsenic trichloride (7784-34-1)

"5. 2,2-Diphenyl-2-hydroxyacetic acid 4/ (76-93-7)

"6. Quinuclidin-3-ol 4/ (1619-34-7)

"1/ The precise delimitation of this group requires further discussion.

"2/ A view was expressed that this group belongs to Schedule 2 part A, where it is already covered by the first item.

"3/ A view was expressed that this chemical should be included in Schedule 2 part A.

"4/ If item 7 on Schedule 1 is expanded into a group, a corresponding expansion should be considered for items 5 and 6 on Schedule 2 part A. Item 5 could, e.g., then include:

2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters,

and item 6 could, e.g., include:

3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

"7. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chloride and corresponding quaternary ammonium compounds 1/ 2/

"8. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ol and corresponding quaternary ammonium compounds 1/ 2/

"9. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiol and corresponding quaternary ammonium compounds 1/ 2/

"10. Bis(2-hydroxyethyl)sulphide (thiodiglycol) 3/ (111-48-8)

"[11. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 4/ (464-07-3)]

"C. Schedule 2 part B

Amiton: O,O-Diethyl S-(2-(diethylamino)ethyl) phosphorothiolate and corresponding alkylated and protonated salts (78-53-5)

[PFIB: 1,1,3,3,3 - pentafluoro -2- (trifluoromethyl) - 1 - propene 5/ (382-21-8)]

"1/ It was suggested that a limitation of the group to contain only the N,N-diisopropyl compounds should be considered in view of the scale of the commercial production of other group members. These other group members could then be included in Schedule 3. In this context, a view was also expressed that it could be sufficient to have only the N,N-diisopropyl compounds in Schedule 2 part A from the viewpoint that they are key precursors to VX. Furthermore a view was expressed that unless an appropriate limitation of the group can be provided, the placement of this group on this schedule should be reconsidered in light of existing commercial production of substances included in the group.

"2/ A view was expressed that 'and corresponding quaternary ammonium compounds' should be replaced by 'and corresponding salts'.

"3/ A view was expressed that this chemical should be included in Schedule 3.

"4/ A view was expressed that this chemical should be included in Schedule 1.

"5/ The view was expressed that further consideration is needed on the whole question of the handling of by-products that pose a risk to the Convention.

"D. Schedule 3 1/

"1.	Phosgene	(75-44-5)
"2.	Cyanogen chloride	(506-77-4)
"3.	Hydrogen cyanide	(74-90-8)
"4.	Trichloronitromethane (chloropicrin)	(76-06-2)
"5.	Phosphorus oxychloride	(10025-87-3)
"6.	Phosphorus trichloride	(7719-12-2)
"7.	Phosphorus pentachloride	(10026-13-8)
"8.	Trimethyl phosphite	(121-45-9)
"9.	Triethyl phosphite	(122-52-1)
"10.	Dimethyl phosphite	(868-85-9)
"11.	Diethyl phosphite	(762-04-9)
"12.	Sulphur monochloride	(10025-67-9)
"13.	Sulphur dichloride	(10545-99-0)
"14.	Thionyl chloride	(7719-09-7)

"1/ It was proposed that the three compounds triethanolamine, ethyldiethanolamine and methyldiethanolamine should be discussed in this context for possible inclusion in Schedule 3 as being precursors for nitrogen mustards.

"III. GUIDELINES FOR SCHEDULES OF CHEMICALS 1/

"A. Guidelines for Schedule 1

"The following criteria for a chemical shall be taken into account in considering whether a chemical should be included in Schedule 1:

"1. (a) it has been developed, produced, stockpiled or used as a Chemical Weapon as defined in Article II;

or

"(b) it poses otherwise a high risk to the objectives of the Convention by virtue of its high potential for use for activities prohibited by the Convention because one or more of the following conditions is met:

- it possesses a chemical structure closely related to that of other Toxic Chemicals listed in Schedule 1 and has, or can be expected to have, comparable properties;
- it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be weaponized and used as a Chemical Weapon;
- [it may be used as a precursor in the final technological stage of production of a Toxic Chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;]

[and]

"2. it has little or no use for Purposes Not Prohibited Under The Convention.

"B. Guidelines for Schedule 2 part A 2/

"The following criteria shall be taken into account in considering whether a precursor to a Schedule 1 chemical would be included in Schedule 2 part A:

"1. It may be used in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1.

"1/ Further consultations were held during 1991 on the Guidelines for Schedules of Chemicals. The Friend of the Chair on Technical Matters prepared a discussion paper for further consideration, which is contained in document CD/CW/WP.362.

"2/ These guidelines are in the process of further consideration and development.

"2. It may pose a significant risk 1/ to the objectives of the Convention by virtue of its importance in the production of a chemical listed in Schedule 1.

"[3. It is not produced in large commercial quantities for purposes not prohibited by the Convention. 2/]

"C. Guidelines for Schedule 2 part B 3/

"Super-toxic lethal chemicals and other chemicals which are not included in Schedule 1 and are not precursor chemicals but which are deemed to pose a significant risk to the objectives of the Convention. 4/ 5/

"D. Guidelines for Schedule 3 3/

"The following criteria shall be taken into account when considering whether a dual purpose chemical or a precursor chemical, not listed in other schedules, would be included in Schedule 3:

"1/ The view was expressed that the degree of the risk of a chemical is determined on the basis of the contribution made by a precursor to the formation of the structure, or on the basis of the role it plays in determining the toxic properties of a Schedule 1 chemical.

"2/ The question of the applicability of a quantitative criterion requires further discussion, taking into account, *inter alia*, the aim of the measures stipulated in Article VI, paragraph 6, as set forth in Annex 2 to Article VI, paragraph 4, the likelihood of meeting the various aspects of this aim by routine systematic on-site inspections and use of on-site instruments and the necessity of efficient implementation of verification.

"3/ These guidelines are in the process of further consideration and development.

"4/ A view was expressed that, when assessing the risk to the objectives of the Convention, factors such as the lethal or incapacitating effects of a chemical, as well as its suitability as a chemical weapon in terms of physical and chemical properties should be taken into account.

"5/ A view was expressed that chemicals included in Schedule 2 part B may have commercial use.

"A. Dual purpose chemical

"1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

"2. it has been stockpiled as a chemical weapon, or

"3. it may pose a risk to the objectives of the Convention by virtue of its physical, chemical and toxicological properties being similar to those of chemical weapons.

"B. Precursor chemical

"1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

"2. it may pose a risk to the objectives of the Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1, or in the production of precursors to such chemicals 2/ [, and

"3. it contributes one or more atoms other than hydrogen, carbon, nitrogen or oxygen to the final listed end-product 3/].

"1/ The question of a quantitative criterion, possibly including a numerical threshold, requires further discussion.

"2/ A view was expressed that only precursors which may pose a risk to the objectives of the Convention by virtue of their importance in the production of one or more chemicals listed in Schedule 1 or 2 part A should be included.

"3/ Whether this criterion is unduly restrictive should be further discussed.

"IV. MODALITIES FOR REVISION OF SCHEDULES AND GUIDELINES 1/ 2/

"A. General provisions

"1. The revisions envisaged consist of additions to, deletions from, or shifts between the Schedules and modifications of, additions to or deletions from the guidelines.

"2. If the Director-General of the Technical Secretariat has any information which in his opinion may require a revision of the Schedules or one or more of the guidelines, he shall communicate that information to all States Parties and the Executive Council. 3/

"3. Proposals for revision of Schedules and guidelines shall be made by States Parties in accordance with paragraphs 1 and 5 (a) of Article XIII.

"B. Decisions regarding revisions of Schedules

"4. When a proposal is made regarding a deletion of a chemical from a schedule or a shift between Schedules, the regime for that chemical shall be maintained while a decision on the proposed deletion or shift is being reached.

"5. When an addition to a Schedule of chemicals is proposed no regime shall be applied to that chemical until a decision has been taken to include it on one of the Schedules.

"6. The decision on a proposed revision of the Schedules shall be taken in accordance with the simplified amendment procedure as laid down in Article XIII, paragraph 5.

"1/ Views were expressed that further consideration is needed on this matter. Additional views were expressed that this was particularly the case for the revision of guidelines.

"2/ Other views were expressed that this section is not needed since the simplified amendment procedure described in Article XIII, paragraph 5 is considered to be fully adequate for the revision of Schedules and guidelines. Views were also expressed that this depended on the final text of paragraph 5 (c) of Article XIII.

"3/ [Views were expressed][It is understood] that the Scientific Advisory Board should be able to submit to the Director-General of the Technical Secretariat, or through him to the competent organs of the Organization, any information available to it which in its opinion could lead to or contribute to a revision.

"C. Decisions regarding revision of guidelines

"7. When a proposal has been made for a revision of one or more of the guidelines, the Director-General shall undertake a review of the Schedules affected by such a revision and communicate the results to all States Parties and the Executive Council at least [30] days before the proposal is examined by the Executive Council. 1/

"8. The decision on a proposed revision of the guidelines shall be taken in accordance with the simplified amendment procedure as laid down in Article XIII, paragraph 5. [If, in accordance with paragraph 5 (d) of Article XIII, a decision on the proposal is taken by the Conference of States Parties, the Conference shall take the decision by a [three-fourth] [four-fifth] majority of members present and voting.]"

"1/ [Views were expressed][It is understood] that the Scientific Advisory Board should be able to submit to the Director-General of the Technical Secretariat, or through him to the competent organs of the Organization, any information available to it which in its opinion could lead to or contribute to a revision.

"V. TOXICITY DETERMINATIONS

"A. Procedures for toxicity determinations 1/ 2/

"Recommended standardized operating procedures for acute subcutaneous toxicity determinations

"1. Introduction

"Three categories of agents were defined on the basis of their toxicity:

"(i) super-toxic lethal chemicals;

"(ii) other lethal chemicals;

"(iii) other harmful chemicals.

"Lethality limits in terms of LD_{50} for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

"2. Principles of the test method

"The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into groups; 20 animals in each group.

"1/ It was understood that these recommended standardized operating procedures (CD/CW/WP.30) for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.

"2/ A view was expressed that appropriate methods for testing of non-lethal harmful chemicals need to be addressed at a later stage.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

"3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

"4. Data reporting

"A test report should include the following information:

"(i) test conditions: date and hour of the test, air temperature and humidity;

"(ii) animal data: strain, weight and origin of the animals;

"(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;

"(iv) results: the number of dead animals in each group, evaluation of results.

"Recommended standardized operating procedures for acute inhalation toxicity criteria

"1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour or aerosol state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

"Three categories of agents were defined on the basis of their toxicity:

"(i) super-toxic lethal chemicals;

"(ii) other lethal chemicals;

"(iii) other harmful chemicals.

"Lethality limits in terms of LCt_{50} for inhalatory application were established to separate three toxic categories at 2,000 mg min/m^3 and 20,000 mg min/m^3.

"2. Principles of the test method

"A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits (2,000 mg min/m^3 or 20,000 mg min/m^3 respectively. If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups; 20 animals in each group.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

"3.3 Equipment A constant vapour concentration may be produced by one of several methods:

"(i) by means of an automatic syringe which drops the material on to a suitable heating system (e.g. hot plate);

"(ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber);

"(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

"A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

"3.4 Physical measurements Measurements or monitoring should be conducted of the following parameters:

"(i) the rate of air flow (preferably continuously);

"(ii) the actual concentration of the test substance during the exposed period;

"(iii) temperature and humidity.

"3.5 Test method Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m^3 and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be exposed for 10 minutes to the concentration of 2,000 mg/m^3. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.6 Evaluation of results If the death rate in the first group of animals (exposed to the concentration of 200 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if it is lower than 50 per cent, the test substance will fail into the 'other harmful chemical'.

"4. Data reporting

"A test report should include the following information:

"(i) Test conditions: date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air, etc.) and equipment for measuring temperature, humidity, air flow and concentration of the test substance;

"(ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone;

"(iii) Animal data: strain, weight and origin of animals;

"(iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test;

"(v) Results: number of dead animals in each group, evaluation of results.

"B. Modalities for revision of toxicity determination procedures

(To be developed)

"ANNEX ON THE PROTECTION OF CONFIDENTIAL INFORMATION [1] [2]

"A. GENERAL PRINCIPLES FOR THE HANDLING OF CONFIDENTIAL INFORMATION

"1. The obligation to protect confidential information shall pertain to the verification of both civil and military activities and facilities. As specified in Article VIII, the Organization shall:

"(a) require only the minimum amount of information and data necessary for the timely and efficient carrying out of its responsibilities under the Convention;

"(b) take measures necessary to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity;

"(c) develop agreements and regulations to implement the provisions of the Convention and shall specify as precisely as possible the information to which the Organization shall be given access by a State Party.

"2. The Director-General of the Technical Secretariat shall have the primary responsibility for ensuring the protection of confidential information. He shall establish a stringent regime governing the handling of confidential information by the Technical Secretariat. [The Director-General shall be assisted by an Assistant Director-General for Information Security.] In doing so he shall observe the following guidelines:

"(a) Information shall be considered confidential if

"(i) it is so designated by the State Party from whom the information was obtained and to which the information refers; or

"(ii) in the judgement of the Director-General, its unauthorized disclosure could reasonably be expected to cause damage to the State Party to which it refers or to the mechanisms for implementation of the Convention.

"[1] A view was expressed that further discussion on this subject is necessary.

"[2] The view was expressed that the references to confidentiality in Article VII and Article VIII are adequate. The detailed guidelines on confidentiality should be part of rules and regulations to be developed by the International Organization.

"(b) All data and documents obtained by the Technical Secretariat shall be evaluated by the appropriate unit of the Technical Secretariat in order to establish whether they contain confidential information. Data required by States Parties to be assured of the continued compliance with the Convention by other States Parties shall be routinely provided to them. Such data shall encompass:

"(i) the initial and annual reports and declarations provided by States Parties under Articles III, IV, V and VI;

"(ii) general reports on the results and effectiveness of verification activities; and

"(iii) information to be supplied to all States Parties in accordance with the provisions of the Convention.

"(c) No information obtained by the Organization in connection with implementation of the Convention shall be published or otherwise released, except, as follows:

"(i) General information on the implementation of the Convention may be compiled and released publicly in accordance with the decisions of the Conference of the States Parties or the Executive Council. [Prior to public release, all data and documents shall be evaluated by a specially designated unit of the Technical Secretariat to ensure that they do not contain confidential information.]

"(ii) Any information may be released with the express consent of the State Party to which the information refers.

"(iii) Information classified as confidential shall be released by the Organization only through agreed procedures which ensure that the release of information only occurs in strict conformity with the needs of the Convention.

"(d) The level of sensitivity of confidential data or documents shall be established, based on criteria to be applied uniformly 1/ in order to ensure their appropriate handling and protection. For this purpose, a classification system shall be introduced, which by taking account of relevant work undertaken in the preparation of the Convention shall provide for clear criteria ensuring the inclusion of information into appropriate categories of confidentiality and the justified durability of the confidential nature of

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"1/ The view was expressed that such criteria should be developed by the Technical Secretariat.

information. While providing for the necessary flexibility in its implementation the classification system shall protect the rights of States Parties providing confidential information.

"(e) Confidential information shall be stored securely at the premises of the Organization. Some data or documents may also be stored with the national authority of a State Party. Sensitive information, inter alia, photographs, plans and other documents required only for the inspection of a specific facility may be kept under lock and key at this facility in conformity with the agreement to be concluded on the basis of a relevant model.

"(f) To the greatest extent consistent with the effective implementation of the verification provisions of the Convention, information shall be handled and stored by the Technical Secretariat in a form that precludes direct identification of the facility to which it pertains.

"(g) The amount of confidential information removed from a facility shall be kept to the minimum necessary for the timely and effective implementation of the verification provisions of the Convention.

"[(h) Each employee shall only have access to that kind of information necessary for fulfilment of the function deriving from the relevant position description.]

"(i) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organization shall be on a strictly need-to-know basis.

"(j) The Director-General shall report annually to the Conference of the States Parties on the implementation of this regime.

"3. States Parties shall treat information which they receive from the Organization in accordance with the level of confidentiality established for that information. [Upon request States Parties shall provide details on the handling of information provided to them by the Organization.]

"B. EMPLOYMENT AND CONDUCT OF PERSONNEL IN THE TECHNICAL SECRETARIAT

"1. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with part A of this Annex.

"2. [Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position.]

"3. In keeping with the provisions of Article VIII D of this Convention, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not disclose even after termination of their functions to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. They shall not communicate to any State, organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party.

"4. In the discharge of their function inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not take any records on information collected incidentally not related to verification of compliance with the Convention.

"5. The staff shall enter into individual secrecy agreements 1/ [with the Technical Secretariat] covering their period of employment and a period of five years after it is terminated.

"6. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations [and of the possible penalties that they would incur, including the likelihood of the Organization's waiving their immunity from private suit].

"[7. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities under the [jurisdiction or control] of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

"8. In evaluating the performance of inspectors and other employees of the Technical Secretariat, specific attention should be given to the employee's record regarding protection of confidential information.]

"C. MEASURES TO PROTECT SENSITIVE INSTALLATIONS AND PREVENT DISCLOSURE OF CONFIDENTIAL DATA IN THE COURSE OF ON-SITE VERIFICATION ACTIVITIES 2/

"1. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they comply and demonstrate compliance with their obligations arising from the provisions of this Convention. Receiving an inspection they may indicate to the inspection team the equipment, documentation or areas that they consider sensitive and not related to the purpose of the inspection.

"1/ This issue requires further consideration.

"2/ The contents and placement of some provisions contained in this section need to be reviewed in the light of ongoing discussions on the Guidelines on the Inspectorate.

"2. Teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible, consistent with the effective and timely accomplishment of their mission. They shall, to the extent they deem them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

"3. Inspection teams shall strictly abide by the provisions set out in the relevant Articles and Annexes of this Convention governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

"4. In the elaboration of subsidiary arrangements/facility attachments due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

"5. The report to be prepared after each inspection shall only contain facts relevant to compliance with the Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

"D. PROCEDURES IN CASE OF BREACHES OR ALLEGED BREACHES OF CONFIDENTIALITY 1/

"1. The Director-General of the Technical Secretariat shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations made by the Preparatory Commission.

"2. The Director-General of the Technical Secretariat shall oversee the implementation of individual secrecy agreements and promptly initiate an investigation if there is any indication that obligations concerning the

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"1/ This section should be reviewed in the light of the results of considerations of other legal issues, in particular liability and the settlement of disputes.

protection of confidential information have been violated and if he considers such an indication sufficient. He shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

"3. [Members of the staff of the Technical Secretariat shall be held responsible for any breach of secrecy agreements they entered into.] The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. 1/ In case of serious breaches the immunity from legal process may be waived by the Director-General.

"4. States Parties shall, to the extent possible, cooperate and support the Director-General of the Technical Secretariat in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

"5. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

"6. For breaches involving both a State Party and the Organization [or specifically within the Technical Secretariat] a 'Commission for the settlement of disputes related to confidentiality', set up as a subsidiary ad hoc body of the Conference of the States Parties, shall consider the case. This Commission shall be appointed by the Conference of the States Parties.

"1/ A view was expressed that the Director-General should be given clear guidelines on which punitive and disciplinary measures would be deemed appropriate.

"ANNEX TO ARTICLE III

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. Possession or non-possession

"1. Possession of chemical weapons on own territory

Yes ...

No ...

"2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes ...

No ...

"B. Existence on the territory of any chemical weapons under the jurisdiction or control of anyone else

Yes ...

No ...

"C. Past transfers

Yes ...

No ...

"II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Possession or non-possession

"1. Possession of chemical weapons production facilities on own territory

Yes ...

No ...

"2. Possession, jurisdiction or control over chemical weapons production facilities elsewhere

Yes ...

No ...

"B. Existence on the territory of any chemical weapons production facilities under the jurisdiction or control of anyone else

Yes ...

No ...

"C. Past transfers of equipment [or technical documentation] 1/

Yes ...

No ...

"[III. OTHER DECLARATIONS]

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"1/ The view was expressed that technical documentation should not be included.

"ANNEX TO ARTICLE IV

"I. DECLARATIONS

"A. The declaration by a State Party of the aggregate quantity, location, and detailed composition of chemical weapons under its jurisdiction or control shall include the following:

"1. The aggregate quantity of each chemical declared.

"2. The precise location of each declared storage site of chemical weapons, expressed by:

- name;

- geographical coordinates.

"3. Detailed inventory for each storage facility:

"(1) Chemicals defined as chemical weapons in accordance with Article II:

"(a) Chemicals shall be declared within the Schedules specified in the Annex on Chemicals.

"(b) For a chemical not listed in the Schedules in the Annex on Chemicals the information required for possible assignment of the chemical to one of the proper Schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(c) Chemicals shall be identified by chemical name in accordance with current IUPAC (International Union of Pure and Applied Chemistry) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(d) In cases involving mixtures of two or more chemicals, each chemical shall be identified and the percentage of each shall be provided, and the mixture shall be declared under the category of the most toxic chemical. If a component of a binary chemical weapon consists of a mixture of two or more chemicals, each chemical shall be identified and the percentage of each provided.

"(e) Provisions related to binary chemical weapons.

"1. Binary chemical weapons shall be declared under the relevant end product within the framework of the agreed categories of chemical weapons. The following supplementary information shall be provided for each type of binary chemical munition/device. 1/

"a. the chemical name of the toxic end product;

"b. the chemical composition and quantity of each component;

"c. the actual weight ratio between the components;

"d. which component shall be considered the [limiting] [key] component;

"e. the projected quantity of the toxic end product calculated on a stoichiometric basis from the [limiting] [key] component, assuming 100 per cent yield.

"2. A declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

"(f) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons.

"(g) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

- type

- size or calibre

- number of items

- weight of chemical fill per item.

In addition, for chemicals stored in bulk, the percentage purity shall be declared.

"(h) For each chemical the total weight present at the storage site shall be declared.

"1/ Issues related to relevant chemicals stored in bulk are subject to further discussion.

"1. Binary chemical weapons shall be declared under the relevant end product within the framework of the agreed categories of chemical weapons. The following supplementary information shall be provided for each type of binary chemical munition/device. 1/

"a. the chemical name of the toxic end product;

"b. the chemical composition and quantity of each component;

"c. the actual weight ratio between the components;

"d. which component shall be considered the [limiting] [key] component;

"e. the projected quantity of the toxic end product calculated on a stoichiometric basis from the [limiting] [key] component, assuming 100 per cent yield.

"2. A declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

"(f) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons.

"(g) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

- type
- size or calibre
- number of items
- weight of chemical fill per item.

In addition, for chemicals stored in bulk, the percentage purity shall be declared.

"(h) For each chemical the total weight present at the storage site shall be declared.

"1/ Issues related to relevant chemicals stored in bulk are subject to further discussion.

"(c) for each existing or planned chemical weapons destruction facility:

- name and address;
- location;
- chemical weapons intended to be destroyed;
- method of destruction;
- capacity;
- expected period of operation;
- products of the destruction process.

"E. Storage facility description

"(a) Each site or location where, pending their destruction, chemical weapons declared in accordance with Article IV, are stored on the territory of a State Party or under its jurisdiction or control elsewhere, shall hereafter be designated as "storage facility".

"(b) At the time of the submission of its declaration of chemical weapons, in accordance with Article IV, a State Party shall provide the Technical Secretariat with the detailed description and location of its storage facility(ies) containing:

- boundary map;
- location of bunkers/storage areas, within the facility;
- the detailed inventory of the contents of each bunker/storage area;
- relevant details of the construction of bunkers/storage areas;
- recommendations for the emplacement by the Technical Secretariat of seals and monitoring instruments.

"II. MEASURES TO SECURE THE STORAGE FACILITY AND STORAGE FACILITY PREPARATION

"(a) Not later than when submitting its declaration of chemical weapons, a State Party shall take such measures as it considers appropriate to secure its storage facility(ies) and shall prevent any movement of its chemical weapons, except their removal for destruction.

"(b) In order to prepare its storage facility(ies) for international verification, a State Party shall ensure that its chemical weapons at its storage facility(ies) are so configured that seals and monitoring devices may be effectively applied, and that such configuration allows ready access for such verification.

"(c) While the storage facility remains closed for any movement of chemical weapons other than their removal for destruction activities necessary for maintenance and safety monitoring by national authorities, including standard maintenance of chemical weapons, may continue at the facility.

- Maintenance activities of chemical weapons shall not include:

  "(i) replacement of agent or of munition bodies;

  "(ii) modification of the original characteristics of munitions, or parts or components thereof.

- All maintenance activities shall be subject to monitoring by the Technical Secretariat.

"III. DESTRUCTION

"A. Principles and methods for destruction of chemical weapons

"1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such. 1/ 2/

"2. Each State Party possessing chemical weapons shall determine how it shall destroy them, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facility(ies).

"1/ It was noted that States Parties could take preliminary steps to render chemical weapons inoperable pending their complete destruction. It was also noted that if, unforeseeably, a State Party for strictly technical reasons could not fulfill its obligations with respect to the Order of Destruction, the Executive Council shall request it to take appropriate measures pending complete destruction.

"2/ It was also noted that these measures, if employed, should be temporary and should not interfere with destruction programmes in progress or planned.

"3. The State Party shall ensure that its chemical weapons destruction facility(ies) are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

"B. Order of destruction

"Guidelines

"The order of destruction of chemical weapons is based on the obligations specified in Article I and the other Articles of the Convention, including obligations regarding systematic international on-site verification: it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons. The order of destruction is based on the principle of levelling out.

"Categories and time frames

"1. For the purpose of destruction, chemical weapons declared by each State Party are divided into three categories:

Category 1: Chemical weapons on the basis of Schedule 1 chemicals and their parts and components;

Category 2: Chemical weapons on the basis of all other chemicals and their parts and components;

Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

"2. Each State Party possessing chemical weapons

- shall start the destruction of Category 1 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than ten years after the entry into force of the Convention. Taking into account the principle of levelling out, Category 1 chemical weapons shall be destroyed, in equal annual increments, from the beginning of the destruction process until the end of the eighth year after the Convention enters into force; the maximum quantity remaining at the end of the eighth year after the entry into force of the Convention shall not exceed 500 tonnes or 20 per cent of the quantity of chemical weapons declared by the State Party at the entry into force for it, whichever is less. The remaining quantity of Category 1 chemical weapons shall be destroyed in equal annual increments in the following two years. The comparison factor is chemical weapon agent tonnes.

- shall start the destruction of Category 2 chemical weapons not later than one year from the date the Convention enters into force for it and shall complete the destruction not later than five years after the entry into force of the Convention; Category 2 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for such weapons is the weight of the chemicals within such Category.

- shall start the destruction of Category 3 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than five years after the entry into force of the Convention; Category 3 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for unfilled munitions and devices is expressed in fill volume (m^3) and for equipment in number of items.

"Binary chemical weapons

"1. For the purposes of the order of destruction, a declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

"2. A requirement to destroy a given quantity of the [limiting] [key] component shall entail a requirement to destroy a corresponding quantity of the other component, calculated from the actual weight ratio of the components in the relevant type of binary chemical munition/device.

"3. If more of the other component is declared than is needed, based on the actual weight ratio between components, then the excess shall be destroyed over the first two years after destruction operations begin.

"4. At the end of each subsequent operational year a State Party may retain an amount of the other declared component that is determined on the basis of the actual weight ratio of the components in the relevant type of binary chemical munition/device.

"Multicomponent chemical weapons

"For multicomponent chemical weapons the order of destruction shall be analogous to that envisaged for binary chemical weapons.

"C. Detailed plans for destruction

"1. Submission of detailed plans

"The detailed plans submitted pursuant to Article IV, six months before each destruction period, shall specify:

"(a) the aggregate quantity of each individual type of chemical weapons planned to be destroyed at each facility;

"(b) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

"(c) data about each destruction facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the Inspectors.

"(d) data about any storage facility at the destruction facility planned to provide chemical weapons directly to it during the destruction period,

- layout plan of the facility;
- method and volume of storage estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons to be stored at the facility during the destruction period;
- safety measures in force at the facility.

"(e) After the submission of the first detailed plans, subsequent annual plans should contain only changes and additions to required data elements submitted in the first detailed plans.

"2. Review of detailed plans for the destruction of chemical weapons

"(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of the Convention.

"(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed 60 days before the destruction period.

"(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(d) If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties.

"(e) After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is (are) designed to assure destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

"(f) Destruction and verification should proceed according to the agreed plan as referred to above. Such verification should not interfere with the destruction process.

"IV. VERIFICATION

"A. International verification of declarations of chemical weapons by on-site inspections

"(a) The purpose of the international verification of declarations of chemical weapons shall be to confirm through on-site inspections the accuracy of the declarations made in accordance with Article IV. 1/

"1/ The applicability of Article IV, paragraph 2 (b) is to be discussed.

"(b) The Inspectors shall conduct this verification promptly after a declaration is submitted. They shall, inter alia, verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

"(c) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

"(d) As the inventory progresses, Inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility.

"B. International verification of storage facilities

"1. Agreements on subsidiary arrangements 1/

"Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat.

"2. Systematic monitoring of storage facilities

"(a) The purpose of the international systematic monitoring of storage facilities shall be to ensure that no undetected removal of chemical weapons takes place.

"(b) The international systematic monitoring shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall be ensured, in accordance with the agreement on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

"(c) If the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons storage facility is concluded, Inspectors shall install for the purpose of this systematic monitoring a

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"1/ The coverage of the subsidiary arrangements is to be discussed.

monitoring system as referred to in Part II, section III.A of the Protocol on Inspection Procedures. If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"(d) When all chemical weapons have been removed from the storage facility, the Technical Secretariat shall certify the declaration of the National Authority to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the storage facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

"3. Inspections and visits

"(a) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular storage facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected. During each inspection, the Inspectors will verify that the monitoring system is functioning correctly and verify the inventory in agreed percentage of bunkers and storage areas.

"(b) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the storage facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(c) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the storage facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"(d) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors; and

- receive samples taken at their request from any devices and bulk containers and other containers at the facility.

"4. International verification of the removal of chemical weapons for destruction

"(a) The State Party shall notify the Technical Secretariat [14] days in advance of the exact timing of removal of chemical weapons from the storage facility and of the planned arrival at the facility where they will be destroyed.

"(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to the transport vehicles. Upon completion of the loading operations, the Inspectors shall seal the cargo and/or means of transport, as appropriate.

"(c) If only a portion of the chemical weapons is removed, the Inspectors will verify the accuracy of the inventory of the remaining chemical weapons and make any appropriate adjustments in the monitoring system in accordance with the agreement on subsidiary arrangements.

"C. International verification of the destruction of chemical weapons

"1. The purpose of verification of destruction of chemical weapons shall be:

- to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
- to confirm that these stocks for all practical purposes have been destroyed.

"2. Agreements on subsidiary arrangements

"(a) For each destruction facility, States Parties should conclude with the Organization detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

"(b) Inspectors will be granted access to each chemical weapons destruction facility [30 days] prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

"3. Chemical weapons storage facilities at chemical weapons destruction facilities

"(a) The Inspectors shall verify the arrival of the chemical weapons at the destruction facility by checking the seals on the cargo and/or the means of transport and shall verify the accuracy of the inventory of the chemical weapons transported and the storing of these chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons in this storage facility. They shall install such agreed seals as may be necessary to verify that stocks are removed only for destruction.

"(b) As soon and as long as chemical weapons are stored at chemical weapons storage facilities at chemical weapons destruction facilities, these storage facilities shall be subject to international systematic monitoring, as referred to in relevant provisions of paragraph B.2 above of the present Annex, in conformity with the relevant agreements on subsidiary arrangements or, if no such agreement has been concluded, with the agreed combined plan for destruction and verification.

"(c) The Inspectors will make any appropriate adjustments in the monitoring system in accordance with the relevant agreement on subsidiary arrangements whenever inventory changes occur.

"(d) At the end of an active destruction phase, Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

"(e) The international systematic monitoring of a chemical weapons storage facility at a chemical weapons destruction facility may be discontinued when the active destruction phase is completed, if no chemical weapons remain. If, in addition, no chemical weapons are planned to be stored at this facility, the international systematic monitoring shall be terminated in accordance with paragraph B.2 (d) above.

"4. Systematic international on-site verification of destruction of chemical weapons

"(a) The Inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction.

"(b) The Inspectors may monitor by either physical observation or devices:

"(i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;

"(ii) the movement of chemical weapons from the storage facility to the destruction facility;

"(iii) the process of destruction (assuring that no chemical weapons are diverted);

"(iv) the material balance; and

"(v) the accuracy and calibration of the instruments.

"(c) To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

"(d) After the completion of each period of destruction, the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

"(e) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the destruction facilities, and the storage facilities thereat, any munitions, devices, bulk containers, or other containers, therein. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;

- monitor the systematic on-site analysis of samples during the destruction process; and

- receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat.

"ANNEX TO ARTICLE V

"I. DEFINITIONS

"The equipment mentioned in the definition of Chemical Weapons Production Facility in Article II covers Specialized Equipment and Standard Equipment.

- 'Specialized Equipment' means:
  - the main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage (for example, in reactors or in product separation), as well as any other equipment which has been in contact with any Schedule 1 chemical, or any other chemical that has no use for purposes not prohibited under the Convention above [1] tonne per year but can be used for chemical weapons purposes, or would be if the facility were operated.
  - any chemical weapon filling machines.
  - any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing super-toxic lethal or corrosive chemicals. (Examples include equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; dedicated spares for Specialized Equipment.)
- 'Standard Equipment' means:
  - production equipment which is generally used in the chemical industry and is not included in the types of Specialized Equipment;
  - other equipment commonly used in the chemical industry, such as fire-fighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

"The buildings mentioned in the definition of Chemical Weapons Production Facility in Article II cover Specialized Buildings and Standard Buildings.

- 'Specialized Building' means:
  - . any building, including underground structures, containing Specialized Equipment in a production or filling configuration;
  - . any building, including underground structures, which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not banned by the Convention.
- 'Standard Building' means:
  - . any building, including underground structures, constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

"II. DECLARATIONS

"A. Declarations of chemical weapons production facilities

"The declaration shall contain for each facility:

"1. The names of the facility, names of the owners, and names of the companies or enterprises operating the facility since 1 January 1946.

"2. The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

"3. Chemical weapons produced at the facility and dates that they were produced:

"(a) Types and quantities of chemicals produced and bulk containers filled;

"(b) Types and quantities of munitions or devices filled; identity of chemical fill.

"4. Capacity of the facility for chemical weapons production or filling, calculated in accordance with the definition of Production Capacity and expressed in terms of:

"(a) The quantity of end-product that the facility can produce in one year;

"(b) The quantity of chemical that the facility can fill into each type of munition or device in one year.

"5. Status of and plans for the facility:

"(a) When production of chemical weapons ceased;

"(b) Whether it has been destroyed; date of final destruction;

"(c) Whether it has been converted to activities not related to chemical weapons production; date of start of such activities; nature of [most recent] activities [, e.g. most recent production, types and quantities of products]; 1/

"(d) Whether it has already been converted for destruction of chemical weapons; date of conversion;

"(e) Whether it will be temporarily converted for destruction of chemical weapons.

"6. For facilities that were not destroyed, detailed facility description:

"(a) Layout of the facility;

"(b) Process flow diagram;

"(c) Detailed inventory of equipment and any spare or replacement parts on site;

"[(d) The quantities of any chemicals or munitions on site, indicating what is already declared under Article IV.]

"7. Lists of Specialized Equipment and Standard Equipment and any spare or replacement parts for chemical weapons production which have been removed from the facility; current status, if known.

"B. Declarations of transfers

"1. Chemical Weapons Production Equipment means:

- Specialized Equipment;
- equipment for the production of equipment specifically designed for use directly in connection with chemical weapons employment;
- equipment designed or used exclusively for producing non-chemical parts for chemical munitions.

"1/ The problems of documentation and identification of relevant parts of such facilities need further consideration.

"2. The declaration should specify:

"(a) who received/transferred chemical weapons production equipment [and technical documentation];

"(b) the identity of the equipment;

"(c) date of transfer;

"(d) whether the equipment [and technical documentation] was destroyed, if known;

"(e) current disposition, if known.

"3. A State Party that has transferred or received chemical weapons production equipment since 1 January 1946 shall declare these transfers and receipts in accordance with paragraph 2 above. When not all the specified data are available for the period between 1 January 1946 and [1 January 1970] [[20][10] years before the entry into force of the Convention], the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

"C. General Plans

"1. For each facility the following information should be supplied:

"(a) envisaged time frame for measures to be taken;

"(b) methods of destruction.

"2. In relation to temporary conversion into chemical weapons destruction facility:

"(i) envisaged time frame for conversion into a destruction facility;

"(ii) envisaged time for utilizing the facility as a destruction facility;

"(iii) description of the new facility;

"(iv) method of destruction of special equipment;

"(v) time frame for destruction of the converted facility after it has been utilized to destroy chemical weapons;

"(vi) method of destruction of the converted facility.

"D. Annual declarations on destruction

"1. The annual plan for destruction, to be submitted at least three months in advance of the coming destruction year, shall specify:

"(a) capacity to be destroyed;

"(b) location of the facilities where destruction will take place;

"(c) list of buildings and equipment that will be destroyed at each facility;

"(d) planned method of destruction.

"2. The annual report on destruction, to be submitted within three months after the previous destruction year shall specify:

"(a) capacity destroyed;

"(b) location of the facilities where destruction took place;

"(c) list of buildings and equipment that were destroyed at each facility;

"(d) method of destruction.

"E. Declarations with respect to chemical weapons production facilities under the control of others on the territory of the State Party

"All elements contained in part II A and D of this Annex shall be declared. It is the responsibility of the State Party to make appropriate arrangements with the State which controls or controlled the facility that the declarations are made. If the State Party is not able to fulfil this obligation, it shall state the reasons thereof. 1/

"III. DESTRUCTION

"A. Principles and methods for closure, maintenance, temporary conversion and destruction of chemical weapons production facilities

"General

"Each State Party shall decide on methods to be applied for the destruction 2/ of its chemical weapons production facilities, according to the principles laid down in Article V and in this Annex.

"1/ Further consideration is needed with regard to the obligation to provide the above information.

"2/ Further discussion is needed of possible methods of destruction and of related definitions.

"Closure and methods for closing the facility

"1. The purpose of the closure of a chemical weapons production facility is to render it inoperable.

"2. Agreed measures for closure will be taken by the State Party with due regard to the specific characteristics of each facility. Such measures shall include, *inter alia*: 1/

- prohibition of occupation of the Specialized Buildings and Standard Buildings of the facility except for agreed activities;

- disconnection of equipment directly related to the production of chemical weapons to include, *inter alia*, process control equipment and utilities;

- decommissioning of protective installations and equipment used exclusively for the safety of operations of the chemical weapons production facility;

- interruption of rail, road and other access routes for heavy transport to the chemical weapons production facility except those required for agreed activities.

"3. While the chemical weapons production facility remains closed, the State Party may continue safety and physical security activities at the facility.

"Technical maintenance of chemical weapons production facilities prior to their destruction

"1. A State Party may carry out standard maintenance activities [in particular][only] for safety reasons at its chemical weapons production facilities, including visual inspection, preventive maintenance, and routine repairs.

"2. All planned maintenance activities shall be specified in the general and detailed plan for destruction. Maintenance activities shall not include:

"(a) [replacement of any process equipment];

"1/ The activities and items in these measures will need further elaboration and discussion in light of methods of destruction and characteristics of specific facilities.

"(b) modification of the characteristics of the chemical process equipment;

"(c) production of chemicals of any type.

"3. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

"Activities related to temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities

"Conversion guidelines are as follows:

"1. Measures pertaining to the temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities should ensure that the regime for the temporarily converted facilities is at least as stringent as the regime for facilities that have not been converted.

"2. Chemical weapons production facilities converted into chemical weapons destruction facilities before the Convention enters into force shall be declared under the category of chemical weapons production facilities. They shall be subject to an initial visit by Inspectors who shall confirm the correctness of the information about those facilities. Verification that the conversion of these facilities was performed in such a manner as to render them inoperable as chemical weapons production facilities shall also be required, and shall fall within the framework of measures provided for the facilities that are to be rendered inoperable within three months after the Convention enters into force.

"3. A State Party which intends to carry out a conversion of facilities after the Convention enters into force shall submit to the Technical Secretariat a general facility conversion plan, and subsequently shall submit annual plans. Conversion measures shall be carried out under international verification.

"4. Should the State Party have the need of converting into a chemical weapons destruction facility an additional chemical weapons production facility that had been closed after the Convention entered into force, it shall inform the Technical Secretariat thereof [at least three] months in advance. The Technical Secretariat, in conjunction with the State Party, shall make sure that necessary measures are taken to render that facility, after its conversion, inoperable as a chemical weapons production facility.

"A facility converted for the destruction of chemical weapons shall not be more fit for resuming chemical weapons production than a facility which has been closed and is under maintenance. Its reactivation shall require no less time.

"5. During the active phase of the destruction of chemical weapons, converted facilities shall be subject to verification measures provided for destruction facilities; at all other times they shall be verified under the provisions applicable to closed non-converted chemical weapons production facilities.

"6. Converted chemical weapons production facilities shall be destroyed not later than 10 years after the Convention enters into force.

"7. Any measures for the conversion of any given chemical weapons production facility are facility-specific and shall depend upon its individual characteristics.

"8. The set of measures carried out for the purposes of converting a chemical weapons production facility into a chemical weapons destruction facility shall not be less than that which is provided for the disabling of other facilities to be carried out during the three months after the Convention enters into force.

"Activities related to destruction

"1. Destruction of equipment and buildings covered by the definition of a Chemical Weapons Production Facility

- All Specialized Equipment and Standard Equipment shall be physically destroyed.

- All Specialized Buildings and Standard Buildings shall be physically destroyed.

"2. Facilities for producing unfilled chemical munitions and equipment for chemical weapons employment

- Facilities used exclusively for production of: (a) non-chemical parts for chemical munitions or (b) equipment specifically designed for use directly in connection with chemical weapons employment, shall be declared and destroyed. The destruction process and its verification shall be conducted according to the provisions of Article V that govern destruction of chemical weapons production facilities.

- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction.

- All buildings and standard equipment used for such production activities shall be destroyed or converted for purposes not prohibited under the convention, with confirmation as necessary through consultations and inspections as provided for under Article IX.

- Activities for purposes not prohibited under the convention may continue while destruction or conversion proceeds.

"B. Order of destruction

"1. The order of destruction is based on the obligations specified in Article 1 and the other Articles of the Convention, including obligations regarding systematic international on-site verification; it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons production facilities and applicability irrespective of the actual characteristics of the facilities and the methods chosen for their destruction. The order of destruction is based on the principle of levelling out.

"2. A State Party shall, for each destruction period, determine which chemical weapons production facilities are to be destroyed and carry out the destruction in such a way that not more than what is specified below remains at the end of each destruction period. A State Party is not precluded from destroying its facilities at a faster pace.

"3. The following provisions shall apply to chemical weapons production facilities that produce Schedule 1 chemicals:

"(a) Each State Party possessing such facilities shall start the destruction not later than one year from the date the Convention enters into force for it, and shall complete it not later than 10 years after the Convention enters into force. For a State which is a Party at the entry into force of the Convention, this overall period shall be divided into three separate destruction periods, namely, years 2-5, years 6-8, and years 9-10. For States which become a Party after the entry into force of the Convention, the destruction periods shall be adapted, taking into account paragraphs 1 and 2 above;

"(b) Annual Production Capacity, calculated in accordance with the definition of Production Capacity, shall be used as the comparison factor for such facilities. It shall be expressed in agent tonnes, taking into account the rules specified for binary chemical weapons;

"(c) Appropriate agreed levels shall be established for the end of the eighth year after the Convention enters into force. Production capacity that exceeds the relevant level shall be destroyed in equal increments during the first two destruction periods;

"(d) A requirement to destroy a given amount of capacity shall entail a requirement to destroy any other chemical weapons production facility that supplied the Schedule 1 facility or filled the Schedule 1 chemical produced there into munitions or devices;

"(e) Chemical weapons production facilities that have been converted temporarily for destruction of chemical weapons shall continue to be subject to the obligation to destroy capacity according to the provisions of the paragraph.

"4. Each State Party possessing chemical weapons production facilities not covered in paragraph 3 above shall start the destruction of these facilities not later than one year from the date the Convention enters into force for it, and should complete it not later than five years after the Convention enters into force.

"C. Detailed plans for destruction

"Submission of detailed plans

"Six months before destruction of a chemical weapons production facility, a State Party shall provide to the Technical Secretariat the detailed plans for destruction to include proposed measures for verification of destruction referred to in Section III.C.1 (f) of the present Annex, with respect to, e.g.:

- timing of the presence of the Inspectors at the facility to be destroyed;

- procedures for verification of measures to be applied to each item on the declared inventory;

- measures for phasing out systematic monitoring or for adjustment of the coverage of the monitoring system.

"1. The detailed plans for destruction of each facility should contain:

"(a) detailed time schedule of destruction process;

"(b) layout of the facility;

"(c) process flow diagram;

"(d) detailed inventory of equipment, buildings and other items to be destroyed;

"(e) measures to be applied to each item on the inventory;

"(f) proposed measures for verification;

"(g) security/safety measures to be observed during the destruction of the facility;

"(h) working and living conditions to be provided for Inspectors.

"2. In relation to the temporary conversion into a chemical weapons destruction facility.

"In addition to the information contained in part V.B.1 of this Annex the following information should be provided:

"(i) method of conversion into a destruction facility;

"(ii) data on the destruction facility, in accordance with the Annex to Article IV, part III.C.1 (c) and (d).

"3. In relation to destruction of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part III.C.1 of this Annex.

"Review of detailed plans

"(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the destruction of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council 1/ for appropriate action with a view to facilitating the full implementation of the Convention.

"(b) To ensure that the provisions of Article V and this Annex are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed [60] days before the planned initiation of destruction.

"(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(d) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties. The resolution of any differences over methods of destruction should not delay the execution of other parts of the destruction plan that are acceptable.

"1/ The role of the Executive Council in the review process will need to be reviewed in the light of its composition and decision-making process.

"(e) If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of destruction will proceed by the continuous on-site monitoring and presence of Inspectors.

"(f) Destruction and verification should proceed according to the agreed plan. The verification should not unduly interfere with the destruction process and should be conducted through the presence of on-site Inspectors to witness the destruction. 1/

"(g) If required verification or destruction actions are not taken as planned, all States Parties should be so informed. (Procedures to be developed.)

"(h) For those items that may be diverted for permitted purposes. 2/

"IV. VERIFICATION

"A. International verification of declarations of chemical weapons production facilities by initial on-site inspections

"(a) The purpose of the international verification of declarations of chemical weapons production facilities shall be:

- to confirm that all activity has ceased except that required for closure;
- to confirm through on-site inspections the accuracy of the declarations made in accordance with Article V.

"(b) The Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.

"(c) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

"(d) Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. Inspectors may return to maintain and verify the integrity of the devices.

"1/ This verification measure may not necessarily be the only one and others, as appropriate, may need to be further elaborated.

"2/ Specification of the items, permitted purposes and methods of verification of disposition will need to be elaborated.

"B. International verification of chemical weapons production facilities and cessation of their activities

"1. International verification of closure of chemical weapons production facilities

"Subsequent to the on-site verification of declarations as referred to in paragraph IV.A, the Inspectors shall conduct on-site inspections at each chemical weapons production facility for the purpose of verifying that measures referred to under (III, paragraph A.2) of this Annex have been accomplished.

"2. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization detailed agreements on subsidiary arrangements for the systematic monitoring of their chemical weapons production facilities. Such agreements shall be based on a Model Agreement and shall specify for each production facility the detailed inspection procedures and arrangements for the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat, taking into account the specific characteristics of each facility.

"3. International systematic monitoring of chemical weapons production facilities

"(a) The purpose of the international systematic monitoring of a chemical weapons production facility shall be to ensure that no resumption of production of chemical weapons nor removal of declared items would go undetected at this facility.

"(b) The international systematic monitoring shall be initiated as soon as possible after the closure of the chemical weapons production facility and shall continue until this facility is destroyed. Systematic monitoring shall be ensured, in accordance with the agreements on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

"(c) In conjunction with the on-site verification of the closure of chemical weapons production facilities referred to in paragraph B.3 above and, if the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons production facility has been concluded, Inspectors shall install for the purpose of this systematic monitoring a

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"1/ The coverage of the subsidiary arrangements is to be discussed.

monitoring system as referred to in Part II, section III.A of the Protocol on Inspection Procedures. If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"4. Systematic on-site inspections and visits

"(a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit a chemical weapons production facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(b) Inspectors shall, in accordance with agreements on subsidiary arrangements have unimpeded access to all parts of the chemical weapons production facilities. The items on the declared inventory to be inspected will be chosen by the Inspectors.

"(c) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular production facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

"C. International verification of destruction of chemical weapons production facilities

"(a) The purpose of international verification of destruction of chemical weapons production facilities shall be to confirm that the facility is destroyed as such in accordance with the obligations under the Convention and that each item on the declared inventory is destroyed in accordance with the agreed detailed plan for destruction.

"(b) When all items on the declared inventory have been destroyed, the Technical Secretariat shall certify, in writing, the declaration of the State Party to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the chemical weapons production facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

"(c) After this certification, the State Party will make the declaration that the facility has been destroyed.

"D. International verification of temporary conversion of a chemical weapons production facility into a chemical weapons destruction facility

(to be elaborated)

"ANNEX 1 TO ARTICLE VI

"Regime for chemicals on Schedule 1

"GENERAL PROVISIONS

"1. A State Party shall not produce, acquire, retain or use chemicals in Schedule 1 outside the territories of States Parties and shall not transfer such chemicals outside its territory except to another State Party.

"2. A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule 1 unless:

"(i) the chemicals are applied to research, medical, pharmaceutical or protective purposes, and

"(ii) the types and quantities of chemicals are strictly limited to those which can be justified for such purposes, and

"(iii) the aggregate amount of such chemicals at any given time for such purposes is equal to or less than one metric tonne, and

"(iv) the aggregate amount for such purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

"TRANSFERS

"1. A State Party may transfer chemicals in Schedule 1 outside its territory only to another State Party and only for research, medical, pharmaceutical or protective purposes in accordance with paragraph 2 above.

"2. Chemicals transferred shall not be retransferred to a third State.

"3. Thirty days prior to any transfer to another State Party both States Parties shall notify the Technical Secretariat.

"4. Each State Party shall make a detailed annual declaration regarding transfers during the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall for each chemical in Schedule 1 include the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose should be included.

"PRODUCTION

"1. (a) Each State Party which produces chemicals in Schedule 1 for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, the only exceptions being those set forth in paragraphs 2 and 4 below.

"(b) The production at a single small-scale facility shall be carried out in reaction vessels in production lines not configured for continuous operation; the volume of such a reaction vessel shall not exceed 100 litres while the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

"2. (a) Production of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year may be carried out for protective purposes at one facility outside a single small-scale facility.

"(b) Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for research, medical or pharmaceutical purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. 1/

"Such facilities shall be approved by the State Party.

"3. Each State Party, during production under paragraphs 1 and 2, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall conduct such production in accordance with national standards for safety and emissions. 2/

"4. Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, but not for protective purposes, may be carried out at laboratories 3/ [approved by the State Party] in aggregate quantities less than 100 g per year per facility. 4/

"1/ A view was expressed that ultratoxic substances (to be determined) shall not be allowed to be produced in excess of 10 g per year.

"2/ A view was expressed that the degree of priority to be attached to the environment for purposes not prohibited by the Convention needs further consideration.

"3/ A view was expressed that if so requested by the Technical Secretariat detailed information shall be submitted.

"4/ The question whether transfer of Schedule 1 chemicals from a laboratory should be permitted or not needs further discussion.

"SINGLE SMALL-SCALE FACILITY

"I. Declarations

"A. Initial declarations

"Each State Party which plans to operate such a facility shall provide the Technical Secretariat with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin.

"B. Advance notifications

Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than ... months before the changes are to take place.

"C. Annual declarations

"(a) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 produced, acquired, consumed or stored at the facility, the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the methods employed and quantity produced;

"(iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose(s) of the consumption;

"(v) the quantity received from or shipped to other facilities within the State Party. For each shipment the quantity, recipient and purpose should be included;

"(vi) the maximum quantity stored at any time during the year;

"(vii) the quantity stored at the end of the year.

"3. Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

"(b) Each State Party possessing a facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... months before the beginning of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 produced, consumed or stored at the facility, the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity anticipated to be produced and the purpose of the production.

"3. Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

"II. Verification

"1. The aim of verification activities at the facility shall be to verify that the quantities of Schedule 1 chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.

"2. The single small-scale facility shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments.

"3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

"4. The purpose of the Initial inspection shall be to verify information provided concerning the facility, including verification of the limits on the reaction vessels as required under this Annex.

"5. Within [3] [6] [12] 1/ 2/ months after the entry into force of the Convention each State Party possessing a facility shall conclude an agreement, 3/ based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility. 4/

"Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

"Each agreement shall include: (to be developed).

"1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

"2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

"3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

"4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

"FACILITIES COVERED BY PARAGRAPH 2 OF THE SECTION ON PRODUCTION ABOVE

"I. Declarations

"A. Initial declarations

"Each State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of each facility or its relevant part(s) as requested by the Technical Secretariat. The facility producing Schedule 1 chemicals for protective purposes shall be specifically identified. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided not less than ... before operations are to begin.

"B. Advance notifications

"Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than ... before the changes are to take place.

"C. Annual declarations

"(a) Each State Party shall, for each facility, make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity produced;

and, in case of production for protective purposes, methods employed;

"(iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose of the consumption;

"(v) the quantity transferred to other facilities within the State Party. For each transfer the quantity, recipient and purpose should be included;

"(vi) the maximum quantity stored at any time during the year;

"(vii) the quantity stored at the end of the year.

"3. Information on any changes at the facility or its relevant part(s) during the year compared to previously submitted detailed technical description of the facility.

"(b) Each State Party shall, for each facility, make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... before the beginning of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity anticipated to be produced, the time period(s) when the production is anticipated to take place and the purposes of the production.

"3. Information on any anticipated changes at the facility or its relevant part(s), during the year compared to previously submitted detailed technical descriptions of the facility.

"II. Verification

"1. The aim of verification activities at the facility shall be to verify that:

"(i) the facility is not used to produce any chemical listed in Schedule 1, except for the declared chemical;

"(ii) the quantities of the chemical listed in Schedule 1 produced, processed or consumed are correctly declared and consistent with needs for the declared purpose;

"(iii) the chemical listed in Schedule 1 is not diverted or used for other purposes.

"2. The facility shall be subject to systematic international on-site verification through on-site inspection and monitoring with on-site instruments.

"3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

"4. Within [3] [6] [12] 1/ 2/ months after the entry into force of the Convention each State Party possessing such (a) facility (facilities) shall conclude (an) agreement(s), 3/ based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility (facilities). 4/

"Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

"Each agreement shall include: (to be developed).

"1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

"2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

"3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

"4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

"ANNEX 2 TO ARTICLE VI

"Regime 1/ for Chemicals on Schedule 2 Parts A and B

"DECLARATIONS

"The Initial and Annual Declarations to be provided by a State Party under paragraphs 4 and 5 of Article VI shall include:

"1. Aggregate national data on the production, processing and consumption of each chemical listed in Schedule 2, and on the export and import of the chemicals in the previous calendar 2/ year with a specification of the countries involved. 3/

"2. The following information for each facility which, during any of the previous three calendar years, produced, processed or consumed more than 1 tonne 4/ 5/ of chemicals listed in Schedule 2 Part A or which produced at any time [since 1 January 1946] [during the 15 years prior to the entry into force of the Convention] a chemical in Schedule 2 for chemical weapons purposes: 6/

"[The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [10] [100] [1,000] kg of the chemicals listed in Schedule 2 Part B.]

"1/ The thresholds for Schedule 2 B need further consideration.

"2/ The question whether the 'calendar year' is the most appropriate 'year' needs further consideration. It was noted, however, that for cross-reference purposes, it would be advisable that all States Parties would use the same 'year'.

"3/ Trading companies need further consideration.

"4/ One delegation expressed the preference that the thresholds for declaration and verification should be based on production capacity.

"5/ The issue of the threshold of 1 tonne, in particular with regard to its application to a 3-year reference period, required further consideration.

"6/ Further discussion is needed on the type of verification which would be required for facilities which have been producing for chemical weapons purposes but no longer produce chemicals on Schedule 2 A. It is suggested that the verification of the declaration with respect to such facilities would be achieved by an initial inspection. If it is then found that the relevant production equipment has been removed or destroyed, no further routine inspections would take place. Otherwise a routine inspection regime would be established. It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

"Chemical(s)

"(i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).

"(ii) The total amount produced, consumed, imported and exported in the previous calendar year or, in the case of the initial declaration, in each of the three previous calendar years. 1/

"(iii) The purpose(s) for which the chemical(s) are produced, consumed or processed:

"(a) conversion on-site (specify product type);

"(b) sale or transfer to other domestic industry (specify final product type);

"(c) export (specify which country);

"(d) other.

"Facility 2/

"(i) The name of the facility and of the owner, company, or enterprise operating the facility.

"(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

"(iii) Whether the facility is dedicated to producing or processing the listed chemical or is multi-purpose.

"(iv) The main orientation (purpose) of the facility.

"(v) Whether the facility can readily be used to produce a Schedule 1 chemical or another Schedule 2 chemical. Relevant information should be provided, when applicable.

"(vi) The production capacity for the declared Schedule 2 chemical(s).

"1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

"2/ The view was expressed that a definition of a chemical production facility was needed and thus should be elaborated.

"(vii) Which of the following activities are performed with regard to the Schedule 2 chemicals:

"(a) production;

"(b) processing with conversion into another chemical;

"(c) processing without chemical conversion;

"(d) other - specify.

"Advance notifications

"3. (a) Each State Party shall annually notify the Technical Secretariat of facilities which intend, during the coming calendar year, to produce, process or consume more than ... of any chemical listed in Schedule 2. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

"(i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;

"(ii) For each chemical listed in Schedule 2 intended to be produced or processed, the total quantity intended to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

"(b) Each State Party shall notify the Technical Secretariat of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

"Verification 1/

"Aim

"4. The aim of the measures stipulated in Article VI, paragraph 7 shall be to verify that:

"(i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule 1. 2/

"1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

"2/ It was suggested that 'or for any other purposes prohibited by the Convention' should be added.

"(ii) The quantities of chemicals listed in Schedule 2 produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 1/

"(iii) The chemicals listed in Schedule 2 are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

"Obligation and Frequency

"5. (i) Each facility notified to the Technical Secretariat under this Annex which during the previous 3 calendar years produced, processed or consumed more than 10 tonnes of chemicals listed in Schedule 2 Part A over a period of 12 months, shall be subject to systematic international on-site verification on a routine basis. The same applies to any facility which intends to produce, process or consume more than 10 tonnes of such chemicals during a period of 12 months.

"(ii) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. 2/ 3/ The guidelines to be used shall include: (to be developed). 4/

"Selection

"6. The particular facility to be inspected shall be chosen by the Technical Secretariat in such a way to preclude the prediction of precisely when the facility is to be inspected.

"1/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule 2.

"2/ One delegation suggested that the number of such inspections could be from one to five per year.

"3/ A number of possible factors that could influence the number, intensity, duration, timing and mode of inspections have been identified and discussed. The result of this work is enclosed in Appendix II to serve as a basis for future work.

"4/ It was noted that a 'weighted approach' might be taken in determining the inspection regime for specific chemicals. The importance of establishing a threshold(s) in this context was also noted. It was mentioned that a threshold(s) should relate to 'militarily significant quantities' of the relevant chemical(s).

"Notification

"7. A State Party shall be notified by the (Director-General of the) Technical Secretariat of the decision to inspect a facility referred to in paragraphs 2 and 3 ... hours prior to the arrival of the inspection team.

"Agreement on Inspection Procedures

"8. Each State Party shall execute an agreement, based on a model agreement, with the Organization, within [6] months after the Convention enters into force for the State Party, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility. 1/

"9. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the Technical Secretariat.

"Verification Inspections

"10. The areas of a facility to be inspected under subsidiary arrangements may, *inter alia*, include: 2/

"(i) areas where feed chemicals (reactants) are delivered and/or stored;

"(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;

"(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;

"(iv) the external aspect of the reaction vessel and its ancillary equipment;

"1/ Several delegations considered that the model agreement should be elaborated as part of the negotiations on the Convention. A draft for such a Model Agreement is contained in Appendix II.

"2/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals on Schedule 2.

"(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;

"(vi) control equipment associated with any of the items under subparagraphs (i) to (v);

"(vii) equipment and areas for waste and effluent handling;

"(viii) equipment and areas for disposition of off-specification chemicals.

"11. (a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(b) Inspectors shall, in accordance with agreements on subsidiary arrangements have unimpeded access to all areas that have been agreed for inspection.

"ANNEX 3 TO ARTICLE VI

"Régime for Chemicals on Schedule 3

"DECLARATIONS

"1. The Initial and Annual Declarations to be provided by a State Party under paragraph 5 of Article VI shall include the following information for each of the chemicals listed in Schedule 3:

"(i) The chemical name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.

"(ii) The total amount produced, processed, consumed, imported and exported in the previous calendar year, whenever such an amount is above 30 tonnes. 1/

"(iii) The final product or end use of the chemical in accordance with the following categories (to be developed).

"(iv) For each facility which during the previous calendar year produced, processed, consumed or transferred more than 30 tonnes of a chemical listed in Schedule 3 or which produced 2/ at any time [since 1 January 1946] [during the [15] years prior to the entry into force of the Convention] a chemical in Schedule 3 for chemical weapons purposes: 3/

> "(a) The name of the facility and of the owner, company, or enterprise operating the facility.
>
> "(b) The location of the facility.

"1/ A view was expressed that the amount of 30 tonnes would be subject to change in case changes are made in Schedule 3.

"2/ A view was expressed that the question of a quantitative threshold would need to be discussed in this context.

"3/ It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

"(c) The Production Capacity of the facility.

"['(d) The approximate amount of production, processing and consumption of the chemical in the previous calendar year, expressed in the ranges: up to 100 tonnes, 100-1,000 tonnes, 1,000-10,000 tonnes, and above 10,000 tonnes specified to the nearest 10,000 tonnes.]

"2. A State Party shall notify the Technical Secretariat of the name and location of any facility which intends, in the calendar year following submission of the Annual Declaration, to produce, process or consume any of the chemicals listed in Schedule 3 above 30 tonnes.'

"VERIFICATION

"The verification regime for chemicals listed in Schedule 3 will comprise both the provision of data by a State Party to the Technical Secretariat and the monitoring of that data by the Technical Secretariat. 1/

"1/ Some delegations consider that provision should be made for resort to an on-site 'spot-check' inspection, if required, to verify information supplied by a State Party. Other delegations believe that the provisions of Articles VII, VIII and IX of the Convention are sufficient in this respect.

"OTHER DOCUMENTS

"ARTICLE VI

"ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION

"1. Each State Party:

"(a) Has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention;

"(b) Shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited under the Convention.

"2. Each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3, as well as facilities which produce, process or consume these toxic chemicals or precursors and other facilities specified under Annex 3, that are located within its territory or in any place under its jurisdiction or control to international monitoring as provided in Annexes 1, 2, and 3 to this article in order to verify that activities are in accordance with obligations under the Convention.

"3. Not later than 30 days after the entry into force of the Convention for it, each State Party shall declare data on relevant chemicals and facilities in accordance with Annexes 1, 2 and 3 to this article.

"4. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with Annexes 1, 2 and 3 to this article.

"5. Each State Party shall subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this article to the measures contained in that Annex.

"6. Each State Party shall subject chemicals listed in Schedules 2A, 2B and 3 and facilities declared under Annex 2 and Annex 3 to this article to monitoring by data reporting and international on-site verification in accordance with appropriate Annexes.

"7. The provisions of this article shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals.

"8. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under the Convention.

"9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Annexes to this article.

"Preparatory Commission 1/

"1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first session of the Conference of the States Parties, the Depositary of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by [50] States.

"2. The Commission shall be composed of all States which sign the Convention before its entry into force. Each signatory State shall have one representative in the Preparatory Commission, who may be accompanied by alternates and advisers.

"3. The Commission shall be convened at [...] and remain in existence until the first session of the Conference of the States Parties has convened.

"4. The expenses of the Commission, as well as of the provisional Technical Secretariat, shall be met by the States signatories to the Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission and timing of signature. 2/ The Commission and the provisional Technical Secretariat may also benefit from voluntary contributions.

"5. All decisions of the Commission should be taken by consensus. If notwithstanding the efforts of representatives to achieve consensus, an issue comes up for voting, the Chairman of the Commission shall defer the vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Commission prior to the end of the period. If consensus is not possible at the end of 24 hours, the Commission shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by two-thirds majority of the members present and voting. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Commission by the majority required for decisions on questions of substance. 3/

"1/ Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the Convention or in an appropriate document associated with it or in a resolution annexed to the Final Act adopting the Convention.

"2/ It is understood that States acceding to the Convention will share the expenses of the preparatory activity through an appropriate mechanism of reimbursement.

"3/ It has also been proposed that decisions should be taken by consensus only.

"6. The Commission shall:

"(a) elect its Chairman and other officers, adopt its rules of procedures, determine its place of meeting, meet as often as necessary and establish such committees as it deems useful;

"(b) appoint its Executive Secretary;

"(c) establish a provisional Technical Secretariat to assist the Commission in its activity and to exercise such functions as the Commission may determine, appoint the necessary staff in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat to be established by the Convention. Only nationals of signatory States can be appointed to the provisional Technical Secretariat;

"(d) make arrangements for the first session of the Conference of the States Parties, including the preparation of a draft agenda and draft rules of procedure;

"(e) undertake, inter alia, the following tasks on subjects requiring immediate attention after the entry into force of the Convention:

"(i) the detailed staffing pattern of the Technical Secretariat, including decision-making flow charts;

"(ii) assessments of personnel requirements;

"(iii) staff rules for recruitment and service conditions;

"(iv) recruitment and training of technical personnel;

"(v) standardization and purchase of equipment;

"(vi) organization of office and administrative services;

"(vii) recruitment and training of support staff;

"(viii) establishment of the scale of financial contribution for the Organization; 1/

"(ix) establishment of administrative and financial regulations;

"(x) preparation of host country agreement;

"(xi) preparation of guidelines for initial inspections and facility agreements;

"1/ The entire problem of the costs of the Organization needs to be considered.

"(xii) preparation of programme of work and budget of the first year of activities of the Organization;

"(xiii) preparation of such studies, reports and recommendations as it deems necessary.

"7. The Commission shall prepare a final report on all matters within its mandate for the first session of the Conference of the States Parties and the first meeting of the Executive Council. It shall make recommendations to the Conference of the States Parties, including on the transfer of functions, property and records from the provisional Technical Secretariat to the Technical Secretariat.

"8. At the first session of the Conference of the States Parties, the property and records of the Commission shall be transferred to the Organization.

"ADDENDUM TO APPENDIX I

"PROTOCOL ON INSPECTION PROCEDURES [1]

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"[1] The texts contained in this document require further consideration and elaboration including the level of detail required in this Protocol as well as the overlap between detail in the Annexes and in this Protocol. Some delegations held that many of the details should not be included in the Protocol and that they should rather be the subject of an Inspectors' manual to be issued by the Technical Secretariat. Also the status of this Protocol and the question of amendment procedures to be applied to the provisions contained in the Protocol require further discussion.

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"PART I: GENERAL

"I. Definitions

"'Inspector' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to carry out an inspection in accordance with the Convention, its annexes, and facility agreements between States Parties and the Organization of the Convention.

"'Inspection assistant' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to assist inspectors in an inspection (e.g. medical, security, administration, interpreters).

"'Inspection Team' means the group of inspectors and inspection assistants assigned by the Director-General of the Technical Secretariat to conduct a particular inspection.

"'Inspected State Party' means the State Party to the Convention on whose territory an inspection pursuant to the Convention, its annexes and facility agreements between Parties and the Organization of the Convention takes place, or the State Party to the Convention whose facility on the territory of a host State is subject to such an inspection.

"'Inspection Site' means any area or facility at which the inspection is carried out and which is specifically defined in the respective facility agreement or inspection mandate or request.

"'Period of Inspection' means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

"'Point of Entry' means the location(s) designated for the in-country arrival of inspection teams for inspections pursuant to the Convention and for their departure after completion of their mission.

"'In-Country Period' means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

"'Host State' means that State on whose territory lie States Parties' facilities subject to inspection under the Convention.

"'In-Country Escort' means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish to accompany and assist the inspection team during the in-country period.

"'Routine Inspections' means the systematic, on-site inspection [, subsequent to initial inspections,] of facilities declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Initial inspection' means the first on-site inspection of facilities to verify data declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Challenge Inspection' means the inspection of a State Party requested by another State Party pursuant to Article IX, part II.

"'Requesting State Party' means a State Party which has requested a challenge inspection pursuant to Article IX.

"'Observer' means a representative of a requesting State Party designated by that State Party to observe a challenge inspection.

"'Approved Equipment' means the devices and/or instruments necessary for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with agreed procedures. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

"'Facility Agreement' means an agreement between a State Party and the Organization relating to a specific facility subject to routine inspection.

"'Inspection Mandate' means the instructions issued by the Director-General of the Technical Secretariat to the inspection team for the conduct of a particular inspection.

"II. Designation of inspectors and inspection assistants

"1. Not later than ... days after entry into force of the Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationality and ranks of the Inspectors and inspection assistants proposed for designation. [1] Furthermore, it shall furnish a description of their qualifications and professional experience.

"[1] It has been suggested that, in order to facilitate early implementation of the verification activities, States might, upon signature or thereafter before the entry into force, make declarations concerning the number and types of facilities which shall be subject to verification. The Preparatory Commission, on the basis of these declarations, might initiate the designation and clearance process.

"2. Each State Party shall immediately acknowledge receipt of the list of Inspectors and inspection assistants, proposed for designation communicated to it. Any Inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, within [30] days 1/ after acknowledgement of receipt of the list declares its non-acceptance.

"In the case of non-acceptance, the proposed Inspector or inspection assistant shall not undertake or participate in verification activities within the State Party which has declared his non-acceptance. The Director-General shall, as necessary, submit further proposals in addition to the original list.

"3. Verification activities under the Convention shall only be performed by designated Inspectors and inspection assistants.

"4. Subject to the provisions of paragraph 5 below a State Party has the right at any time, to object to an Inspector or inspection assistant who may have been already designated in accordance with the procedures in paragraph 1 above.

"It shall notify the Technical Secretariat of its objections [and include the reason for the objection.] Such objections shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State Party concerned of the withdrawal of the designation of the Inspector or inspection assistant.

"5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list. 2/

"6. The number of Inspectors and inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and rotation of appropriate numbers of Inspectors and inspection assistants.

"7. If, in the opinion of the Director-General the non-acceptance of proposed Inspectors or inspection assistants impedes the designation of a sufficient number of Inspectors or inspection assistants or otherwise hampers the effective fulfilment of the task of the Inspectorate, the Director-General shall refer the issue to the Executive Council.

"1/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

"2/ A view was expressed that new information on the bona fides of designated inspectors could be a reason for objecting to their being included in the inspection team.

"8. Whenever amendments to the above-mentioned lists of Inspectors and inspection assistants are necessary or requested, replacement Inspectors and inspection assistants shall be designated in the same manner as set forth with respect of the initial list.

"9. The members of the inspection team carrying out an inspection of a facility of a State Party located in the territory of another State Party shall be designated in accordance with the procedures set out in this Protocol both to the inspected State Party and the host State.

"III. Privileges and immunities 1/

"1. Each State party shall, within [30] days 2/ after acknowledgement of receipt of the list of Inspectors and inspection assistants or of changes thereto and for the purpose of carrying out inspection activities, provide for multiple entry/exit and/or transit visas and other such documens which each Inspector or inspection assistant may need to enter and to remain on the territory of that State Party. These documents shall be valid for at least 24 months from the date of their provision to the Technical Secretariat.

"2. To exercise their functions effectively, Inspectors and inspection assistants shall be accorded privileges and immunities as set forth in paragraph (i) through (ix). Privileges and immunities shall be granted to members of the inspection team for the sake of the Convention and not for the personal benefit of the individuals themselves. Privileges and immunities shall be accorded for the period of transit through non-inspected States Parties, for the entire in-country period, and thereafter with respect to acts previously performed in the exercise of official functions as Inspector or inspection assistant. 3/

"(i) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

"1/ Some delegations expressed the view that this section required further consideration. A view was expressed that Article VI ('Experts on mission for the United Nations') of the Convention on the Privileges and Immunities of the United Nations should be taken into account in this later consideration.

"2/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

"3/ The rights and privileges of the Inspectors and inspection assistants during transportation over and through non-States Parties needs further consideration.

"(ii) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to the Convention shall be accorded the inviolability and protection accorded the premises of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations.

"(iii) The records of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.

"(iv) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in the Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant transport regulations.

"(v) The members of the inspection team shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs 1, 2 and 3 of Article 31 of the Vienna Convention on Diplomatic Relations.

"(vi) The members of the inspection team carrying out their prescribed activities pursuant to the Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

"(vii) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or host State, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

"(viii) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

"(ix) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or that of the host State.

"3. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State.

"If the inspected party or host State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the Party and the Director-General of the Technical Secretariat to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

"The immunity from jurisdiction of members of the inspection team may be waived by the Director-General of the Technical Secretariat in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Convention. Waiver must always be express.

"[4. If at any time, a member of the inspection team is on the territory of the inspected State Party or host State and is suspected or accused of violating a law or regulation, consultations shall be held between the State concerned and the inspection team chief to determine whether such an abuse has occurred, and if so determined, to prevent a repetition of such an abuse. If requested by the inspected State Party or host State, the Director-General of the Technical Secretariat shall remove that individual from the country. If the inspection team chief is the individual suspected or accused, the inspected State Party shall have the right to communicate with the Director-General of the Technical Secretariat and request their removal and replacement. The deputy team chief shall assume the duty of team chief until the Technical Secretariat has acted on the inspected State Party's request.]

"[5. If the inspected State Party so decides, Inspectors and inspection assistants monitoring destruction of chemical weapons during the active phase of destruction pursuant to article IV and its annex shall only be allowed to travel 1/ up to (...) kilometres from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected State Party shall be accompanied by the in-country escort. Such travel shall be taken solely as leisure activity. 2/]

"1/ It is understood that 'travel' does not imply the right of access to areas restricted for security reasons or to private property.

"2/ Further study on the rights of members of an inspection team to communicate with the embassy of their respective nationality is necessary.

"IV. Standing arrangements

"A. Points of entry

"1. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after the Convention enters into force. 1/ These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

"2. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective ... days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

"3. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

"4. In cases where facilities of an inspected State Party are located in the territory of another State Party or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, inspections shall be carried out in accordance with this Protocol.

"States Parties on whose territory facilities of other States Parties subject to inspection are located shall facilitate the inspection of those facilities and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner.

"5. In cases where facilities of an inspected State Party are located in the territory of a non-State Party the State Party subject to inspection shall ensure that inspections of those facilities can be carried out in accordance with the provisions of this Protocol. A State Party that has one or more facilities on the territory of a non-State Party shall ensure acceptance by the host State of inspectors and inspection assistants designated to that State Party.

"1/ In order to ensure that the process of designation of Inspectors and inspection assistants, as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

"B. Arrangements for use of unscheduled aircraft

"1. For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the Technical Secretariat. Within 30 days after entry into force of the Convention, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the Technical Secretariat as the basis for such diplomatic clearance.

"2. When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, no less than [6] hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: 'Inspection aircraft. Priority clearance processing required.'

"3. No less than [3] hours prior to the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the country in which the inspection is to take place, the inspected State Party [or host State Party] shall ensure that the flight plan filed in accordance with paragraph 2 of this section is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

"4. The inspected State Party shall provide parking, security protection, servicing and fuel as required for the aircraft of the inspection team at the point of entry when such aircraft is owned or under charter to the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, [security] and servicing. 1/

"C. Administrative arrangements

"The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other

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"1/ The Technical Secretariat will need to negotiate arrangements for costs of such services.

tasks, transportation, working space, lodging, meals and medical care of the inspection team. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team (details to be developed).

"D. Approved equipment

"1. Subject to paragraph 3 of this section there shall be no restriction by the inspected State Party on the inspection team bringing on to the inspection site such approved equipment which the Technical Secretariat [and the States Parties] [has] [have] determined to be necessary to fulfil the inspection requirements. 1/

"[This includes, inter alia, equipment for discovering and preserving evidence related to the compliance with the Convention, temporary and permanent monitoring equipment and seals for emplacement, equipment for discovering and preserving information, equipment for recording and documenting the inspection, as well as for communication 2/ with the Technical Secretariat and for determining that the inspection team has been brought to the site for which the inspection has been requested.] The Technical Secretariat shall to the extent possible prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Protocol. In establishing the list of approved equipment and these regulations, the Technical Secretariat should ensure that safety considerations for all the types of facilities at which such equipment is likely to be used, are taken fully into account. 3/ 4/

"2. The equipment shall be in the custody of the Technical Secretariat and be designated, calibrated and approved by the Technical Secretariat. The Technical Secretariat shall, to the extent possible, select that equipment

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"1/ A view was expressed that further consideration should be given to the conclusion of bilateral agreements between the Technical Secretariat and the States Parties on the instruments and devices to be used in the inspections in order to guarantee that they are reliable and applicable.

"2/ The issue of communications requires further consideration.

"3/ Further consideration needs to be given to when and how such equipment will be agreed and to what extent it will need to be specified in the Convention.

"4/ The relationship between equipment for routine inspections and challenge inspections and provisions for their respective uses will need to be considered.

which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration. [The Technical Secretariat shall certify that the equipment meets agreed standards.]

"3. The inspected State Party shall have the right, without prejudice to the prescribed time frames to inspect the equipment in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or host State. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Party that the equipment meets the description of the approved equipment for the particular type of inspection. The inspected State Party may exclude equipment not meeting that description or equipment without the above-mentioned authentication documents and devices. [Excluded equipment shall be kept at the point of entry until the inspection team leaves the respective State. Storage of the inspection team's equipment and supplies at the point of entry shall be in tamper-indicating containers provided by the inspection team within a secure facility provided by the inspected State Party. Access to each secure facility shall be controlled by a 'dual key' system requiring the presence of both the inspected party and representative of the inspection team to gain access to the equipment and supplies. The Technical Secretariat may allow a State Party to maintain equipment storage as described here in lieu of bringing it in for each inspection in accordance with the agreement between the State Party concerned and the Technical Secretariat.]

"4. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can. 1/

"V. PRE-INSPECTION ACTIVITIES

"A. Notification

"1. The Director-General of the Technical Secretariat shall notify the State Party prior to the planned arrival of the inspection team at the point of entry and within the prescribed time frames where specified of its intention to carry out an inspection.

"1/ A view was expressed that the possibility of agreed procedures should be considered in this regard.

"2. Notifications made by the Director-General of the Technical Secretariat shall include the following information:

- the type of inspection;
- the point of entry; 1/
- the date and estimated time of arrival at the point of entry;
- the means of arrival at the point of entry;
- [the site to be inspected];
- the names of Inspectors and inspection assistants;
- if appropriate, aircraft clearance of special flights;
- the names of the observer[s] of the requesting State Party in the case of a challenge inspection.

"[The inspection site shall be specified by the chief of the inspection team at the point of entry not later than 24 hours after the arrival of the inspection team.]

"3. The inspected State Party shall within [one] hour acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection.

"4. In the case of an inspection of a facility of a State Party located in the territory of another State Party both States Parties shall be simultaneously notified in accordance with paragraphs 1, 2, 3 of this section.

"B. Entry into the territory of the inspected State Party or host State and transfer to the inspection site

"1. The State Party [or host State Party] which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort [if such an escort is requested] do everything in its power to ensure the safe conduct of the inspection team and its equipment and supplies, from its point of entry to the inspection site(s) and to its point of exit.

"1/ A view was expressed that for routine inspections it could be agreed in the facility agreement that notification of the point of entry would not be needed.

"2. In accordance with paragraphs 4 and 5 of Section IV A. above, the inspected State Party [or host State Party] shall ensure that the inspection team is able to reach the inspection site within [12] 1/ hours from the arrival at the point of entry or, if appropriate, from the time the inspection site is specified at the point of entry. 2/

"C. Pre-inspection briefing

"Upon arrival at the inspection site and prior to the commencement of the inspection, the inspection team shall be briefed, with the aid of maps and other documentation as appropriate, by facility representatives on the facility, the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceeding three hours.

"VI. CONDUCT OF INSPECTIONS

"A. General rules

"1. The members of the inspection team shall discharge their functions in accordance with the articles and annexes of the Convention, this Protocol as well as rules established by the Director-General of the Technical Secretariat and facility agreements between States Parties and the Organization. 3/ 4/

"1/ Further study is required on whether a longer or shorter time period is feasible.

"2/ The view was expressed that because the specific point of entry utilized as well as the time of arrival would be selected by the Technical Secretariat and to avoid prematurely revealing the site during some types of inspections the closest point of entry may not be chosen, the inspected State Party could not be held responsible for ensuring that the inspection team reaches the site within a specified time frame, although it should undertake to avoid the use of delaying tactics.

"3/ A detailed manual of technical procedures should be prepared for the guidance of teams conducting challenge inspections and for the inspected State Party to know what the rights, obligations and constraints of the inspectors, escorts and inspected State Party are. A view was expressed that the manual should, *inter alia*, give guidance to the inspection team on the specific types of information a team should seek to establish the facts in particular situations.

"4/ A view was expressed that an Inspector or inspection assistant shall be considered to have assumed his inspection duties on departure from his primary work location, on Technical Secretariat arranged transportation, and shall be considered to have ceased performing those duties when he has returned to his primary work location and on termination of Technical Secretariat provided transportation.

"2. The inspection team dispatched shall strictly observe the inspection mandate issued by the Director-General of the Technical Secretariat. 1/ It shall refrain from activities going beyond this mandate. 2/ 3/

"3. The activities of the inspection team shall be so arranged as to ensure on the one hand the timely and effective discharge of the inspector's functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety. In particular, the inspection team shall not operate any facility.

"If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to have them performed. The representative shall carry out the request to the extent possible.

"4. In the performance of their duties on the territory of an inspected State Party, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of this State, but the inspection team must not thereby be delayed or otherwise hindered in the excercise of its functions. 4/

"1/ The use of the terms 'Technical Secretariat' and 'Director-General of the Technical Secretariat' needs to be reviewed throughout the Convention.

"2/ A view was expressed that for challenge inspections the inspection mandate would have to be flexible enough for the inspection team to tailor the inspection to the conditions they meet on the site.

"3/ The question of what actions shall be taken in case an inspector or an inspection assistant goes beyond the mandate should be further considered.

"4/ The right of host State representatives need to be further considered.

"5. [At least two Inspectors on each team must speak the language of the Convention which the inspected Party has agreed to work in. 1/ 2/ Each inspection team shall operate under the direction of a team leader and deputy team leader designated by the Director-General of the Technical Secretariat.] Upon arrival at the inspection site, the inspection team may divide itself into subgroups consisting of no fewer than two Inspectors each.

"B. Safety

"In carrying out their activities, Inspectors and inspection assistants shall observe safety regulations established at the inspection site, 3/ including those for the protection of controlled environments within a facility and for personal safety. Individual protective clothing and approved equipment, duly certified, shall normally be provided by the Technical Secretariat. 4/ 5/

"C. Communications

"Inspectors shall have the right throughout the in-country period to communications with the Headquarters of the Technical Secretariat. For this purpose they [may use their own, duly certified, approved equipment and/or] may request that the inspected State Party or host State Party provide them with access to other telecommunications. 6/ The inspection team shall have

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"1/ Consideration should be given to include provision in the Convention for the selection by States Parties of what language of the Convention they will operate in for the conduct of inspections and submission of reports to the Technical Secretariat.

"2/ The Technical Secretariat should also make arrangements for interpreters for national languages of States Parties, to the extent possible, to facilitate inspections.

"3/ Consideration will need to be given with regard to those areas which for safety reasons preclude or limit the entrance of personnel (e.g. unexploded munitions, hazardous areas of destruction facilities).

"4/ Agreements between the Technical Secretariat and States Parties should specify that all protective clothing and equipment meet pre-agreed safety standards or a State Party may require the team to use the clothing and equipment of the Party.

"5/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

"6/ The issue of communications requires further consideration.

the right to use its own 1/ two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team. [Communication systems should conform to power and frequency instructions established by the Technical Secretariat.]

"D. Inspection team and inspected State Party rights

"1. The inspection team shall, in accordance with the relevant articles and annexes of this Convention as well as with facility agreements, have the right to unimpeded access to the inspection site. The items to be inspected will be chosen by the inspectors.

"2. Inspectors shall have the right to interview any facility personnel in the presence of representatives of the inspected State Party with the purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary to the conduct of the inspection, and the inspected State Party shall furnish such information upon request. The inspected State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the inspection team chief objects and states their relevance, the questions shall be provided in writing to the Inspected Party for reply. The inspection team may note any refusal to permit interviews or to allow questions to be answered and any explanations given, in that part of the Inspection Report that deals with the cooperation of the Inspected State Party.

"3. Inspectors shall have the right to inspect documentation and records they deem relevant to the conduct of their mission.

"4. Inspectors shall have the right to have photographs taken at their request by representatives of the inspected State Party. The capability to take instant development photographic prints shall be available.

"[If requested by the inspection team, such photographs should show the size of an object by placing a measuring scale, provided by the inspection team, alongside that object during the photographing.] The inspection team should determine whether photographs conform to those requested, and if not, repeat photographs should be taken. The inspection team and the inspected State Party should each retain one copy of every photograph.

"1/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

"5. The inspected State Party shall have the right to accompany the inspection team at all times during the inspection and observe all their verification activities.

"6. The inspected State Party shall receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

"7. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarifications as may be necessary to remove the ambiguity. In the event questions relating to an object or a building located within the inspection site are not resolved, the object or building shall be photographed for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, the Inspectors shall notify the Technical Secretariat immediately. The Inspectors shall include any such unresolved question, relevant clarifications and a copy of any photographs taken in the inspection report.

"E. Collection, handling and analysis of samples

"1. Except as provided for in parts III and IV of this Protocol representatives of the inspected State Party or of the inspected facility shall take samples at the request of the inspection team in the presence of inspectors. If so agreed in advance with the representatives of the inspected State Party or of the inspected facility the inspection team may take samples themselves.

"2. Where possible, the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of sample using approved equipment brought by them. At the request of the Inspection Team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site.

"Alternatively, the Inspection Team may request that appropriate analysis on-site be performed in their presence.

"3. The inspected State Party has the right to retain portions of all samples taken or take duplicate samples and be present when samples are analysed on-site.

"4. The inspection team shall, if they deem it necessary, transfer samples for analysis off-site at laboratories designated by the Organization. 1/ 2/ 3/

"5. The Director-General of the Technical Secretariat shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected. He shall

"(i) establish a stringent régime governing the collection, handling, transport and analysis of samples;

"(ii) certify the laboratories designated to perform different types of analysis;

"(iii) oversee the standardization of equipment and procedures at these designated laboratories and mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories and mobile equipment/procedures; and

"(iv) select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

"6. When off-site analysis is to be performed samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples 4/ or portions thereof shall be returned to the Technical Secretariat.

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

"2/ In cases of off-site analysis, the question should be further discussed of documentation that should be provided by the Technical Secretariat to the inspected facilities (inspected State Party) concerning the acknowledgement of receipt of the samples at the designated laboratories, possible transfer as well as final destination (retention, return or destruction) of the unused samples or portions thereof.

"3/ Transportation of toxic samples and existing international transportation regulations will need to be addressed.

"4/ Consideraton should be given to the retention of unused samples taken during challenge inspection for which the findings were inconclusive.

"7. The Technical Secretariat shall compile the results of the laboratory analysis of samples and include them in the final inspection report. The Technical Secretariat shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.

"F. Extension of inspection duration

"[Periods of inspection may be extended by agreement with the in-country escort, by no more than (xx hours).] 1/

"G. Debriefing

"1. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format together with a list of any samples and copies of written information and data gathered and other material to be taken off site. 2/ The document shall be signed by the head of the inspection team. In order to indicate that he has taken notice of the contents of the document the representative of the inspected State Party shall countersign the document. This meeting shall be completed within [4] [24] hours of the completion of the inspection.

"VII. DEPARTURE

"[In the case of inspections conducted pursuant to articles IV, V, VI and IX, upon completion of the post-inspection procedures, the inspection team shall return promptly to the point of entry at which it entered the inspected State and it shall then leave, within 24 hours, the territory of that State.] 3/

"1/ The view was expressed that, as no fixed period was foreseen for routine inspections, this paragraph might be superfluous. The view was also expressed that for some kinds of routine inspections there cannot be any time-limit without changing the substance of agreed provisions of articles IV and V and their annexes.

"2/ A view was expressed that for routine inspection the question of off-site transfer of 'copies of written information and data gathered and other material' needs further examination, in particular as regards the confidentiality aspect.

"3/ The view was expressed that this paragraph could not apply to routine inspections.

"VIII. REPORTS

"1. Within [10] days after the inspection, Inspectors shall prepare a final report 1/ on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected cooperated with the inspection team. Differing observations 2/ held by Inspectors may be attached to the report. The report shall be kept confidential.

"2. The final report shall immediately be submitted to the inspected State Party. Any written comments, which the inspected State Party may immediately make on its findings shall be annexed to it. The final report together with annexed comments made by the inspected State Party shall be submitted to the Director-General of the Technical Secretariat not later than [30] days after the inspection.

"3. Should the report contain uncertainties, or should cooperation between the National Authority and the Inspectors not measure up to the standards required, the Director-General of the Technical Secretariat shall approach the State Party for clarification.

"4. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Director-General of the Technical Secretariat shall inform the Executive Council without delay.

"1/ Further consideration needs to be given on when and how the receiving State/facility will be able to comment on the contents of the report.

"2/ It is understood that it is not up to the inspection team to draw conclusions with regard to compliance of a State Party from the facts established during an inspection.

"PART II: ROUTINE INSPECTIONS PURSUANT TO ARTICLES IV, V AND VI

"I. INITIAL INSPECTIONS AND FACILITY AGREEMENTS

"1. Each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI shall be liable to receive an initial inspection from the inspectors promptly after the facility is declared. The purpose of the initial inspection of the facility shall be to verify information provided and to obtain any additional information needed for planning future verification activities at the facilities, including on-site inspections and the use of continuous on-site instruments and to work on the facility agreements. 1/ 2/ 3/

"2. States Parties shall ensure that the verification of declarations and the initiation of the systematic monitoring can be accomplished by the Technical Secretariat at all facilities within the agreed time frames after the Convention enters into force. 4/

"3. Each State Party shall conclude a facility agreement with the Organization for each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI. These agreements shall be completed within ... months after the Convention enters into force for the State or after the facility has been declared for the first time. They shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. 5/ 6/ The Model Agreement shall include provisions to take into account future technological developments.

"1/ The consistency of this provision with all verification provisions in the Convention needs further consideration.

"2/ A view was expressed that initial inspections should be carried out in accordance with the guidelines for such inspections.

"3/ A view was expressed that the rules governing the conduct of inspectors in performing the initial inspection need to be discussed and further elaborated.

"4/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

"5/ A view was expressed that the areas to which inspectors have access at the inspected facility shall be clearly defined in the facility agreement.

"6/ It was suggested that with respect to Article VI verification a step-by-step approach should be introduced where appropriate.

"4. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspections.

"II. SIZE OF THE INSPECTION TEAM

"[An inspection team conducting routine inspections pursuant to Articles IV, V and VI shall include no more than (xx) Inspectors and (xx) inspection assistants.] 1/

"III. STANDING ARRANGEMENTS

"A. Continuous Monitoring by Instruments

"1. Where applicable, the Technical Secretariat shall have the right to install and use continuous monitoring instruments and systems and seals in conformity with the relevant provisions in the Convention and the facility agreements between States Parties and the Technical Secretariat. Such installation shall take place in the presence of the representatives of the inspected State Party.

"2. The inspected State Party shall, in accordance with agreed procedures, have the right to inspect any instrument used or installed by the Inspection Team and to have it tested in the presence of representatives of the inspected State Party.

"3. Continuous monitoring systems consisting of, inter alia, sensors, ancillary equipment and transmission systems shall be specified in the facility agreements. They shall incorporate, inter alia, tamper-indicating and tamper-resistant devices as well as data protection and data authentication features. The agreed types of these instruments shall be specified in the Model Agreement.

"4. The Technical Secretariat shall have the right to carry out necessary engineering surveys, construction, emplacement, maintenance, repair, replacement and removal of continuous monitoring instruments and systems and seals.

"5. The inspected State Party shall provide the necessary preparation and support for the establishment of continuous monitoring instruments and systems and, to this end, shall, at the request of and at the expense of the Technical Secretariat provide:

"1/ The view was expressed that routine inspection effort expressed in inspection man-days should be agreed between the inspected State Party and the Technical Secretariat and not be provided for in the Convention.

"(i) All necessary utilities for the construction and operation of the monitoring instruments and systems, such as electrical power and heating;

"(ii) Basic construction materials;

"(iii) Any site preparation necessary to accommodate the installation of continuously operating systems for monitoring;

"(iv) Transportation for necessary installation tools, materials and equipment from the point of entry to the inspection site.

"6. Every continuous monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to [the sole purpose of detecting prohibited or unauthorized activities] [the purpose of detecting prohibited or confirming permitted activities]. The coverage of the system shall be limited accordingly. The monitoring system shall signal the Technical Secretariat if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.

"7. When the monitoring system is activated, Inspectors shall verify the accuracy of inventories at each chemical weapons storage and production facility, as required.

"8. Data to be transmitted from a facility to the Technical Secretariat shall be transmitted by means to be determined. Where necessary, the transmission system will incorporate frequent transmissions from the facility and a query and response system between the facility and the Technical Secretariat. Inspectors shall periodically check the proper functioning of the monitoring system.

"9. Seals placed by inspectors and monitoring devices shall only be removed in the presence of inspectors. If an extraordinary event requires the opening of a seal, or the removal of a monitoring device when an inspector is not present, the State Party shall immediately notify the Technical Secretariat. Inspectors shall as soon as possible check that no prohibited or unauthorized activities have occurred at the facilities and replace the seal or monitoring device.

"10. The State Party shall immediately notify the Technical Secretariat if an event at a facility subject to systematic international monitoring occurs, or may occur, which may have an impact on the monitoring system. The State Party shall coordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

"B. Inspection activities relating to continuous monitoring by instruments

"1. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with. In addition, visits to service the monitoring system may be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

"2. In the event that the monitoring system indicated any anomaly, the Technical Secretariat shall immediately take action to determine whether this resulted from equipment malfunction or activities at the facility. If, after this examination the problem remained unresolved, the Technical Secretariat shall immediately ascertain the actual situation, including through immediate on-site inspection of, or visit to, the facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the State Party who shall assist in its resolution. 1/

"IV. PRE-INSPECTION ACTIVITIES

"1. Routine inspections shall be notified [12] [24] [36] [48] 2/ hours in advance of the planned arrival of the inspection team [at the point of entry] [at the inspection site].

"2. Initial inspections shall be notified no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry. Such notifications shall in addition to the information specified in part I, section V A, paragraph 2 also include the specification of the inspection site.

"V. DEPARTURE

"[In the case of routine inspections pursuant to Articles IV, V and VI, if the inspectors intend to conduct another inspection within the same inspected State Party or host State the inspection team shall return to the point of entry which it used to enter the State and await notification by the Technical Secretariat to the inspected State Party of the next inspection.]

"1/ The issue of anomalies and irregularities requires further discussion with regard to the consistent usage of terms throughout the Convention and, on a more general level, to the way the underlying concept is to be treated in the Convention.

"2/ Consideration needs to be given to balance the time required for logistical purposes and the amount of advance warning given to a Party of a pending inspection.

"PART III: CHALLENGE INSPECTIONS CONDUCTED PURSUANT TO ARTICLE IX 1/ 2/

"I. DESIGNATION AND SELECTION OF INSPECTORS AND INSPECTION ASSISTANTS

"1. Inspections under Article IX shall only be performed by Inspectors and inspection assistants especially designated for this function. In order to designate Inspectors and inspection assistants for inspections under Article IX, the Director-General of the Technical Secretariat shall, by selecting Inspectors and inspection assistants from among the full-time Inspectors and inspection assistants for routine inspection activities, establish a list of proposed Inspectors and inspection assistants. It shall comprise a sufficiently large number of Inspectors and inspection assistants having the necessary qualification, experience, skill and training, to allow for [rotation] [random selection] and availability of Inspectors. The designation of Inspectors and inspection assistants shall follow the procedures provided for under Part I, Section II of this Protocol.

"2. The Director-General shall select the members of an inspection team also taking into account the circumstances of a particular request. Each inspection team shall consist of not less than [5] inspectors and shall be [kept to a minimum necessary for the proper execution of its task] [not more than ... members 3/]. No national of the requesting State Party, or the inspected State Party shall be a member of the inspection team.

"1/ The view was expressed that some main elements contained in this part are subject to further consideration and elaboration of the principles of on-site inspection on challenge, which also need further examination.

"2/ The provisions in Part III may need to be amended in the light of experience gained in practice challenge inspections.

"3/ It has been suggested that the size of the inspection team should be subject to agreed limits. Further study is needed before trying to specify what the limits should be. It would be useful to explore the relationship among the size of the area to be inspected, the duration of the inspection and the size of the inspection team.

"II. PRE-INSPECTION ACTIVITIES

"A. Notification

"1. The request for a challenge inspection to be submitted to the Director-General of the Technical Secretariat shall contain at least the following information: 1/

- the State Party to be inspected and, if applicable, the host State
- the point of entry to be used

[- the precise location of the inspection site and the type of site to be inspected]

- the size of the inspection site
- the type of violation suspected including a specification of the relevant provisions of the Convention about which doubts about compliance have arisen and of the nature and circumstances of the suspected non-compliance
- the names of the observer[s] of the requesting State Party

"The requesting State Party may submit any additional information it deems necessary.

"2. The inspection site shall be delimited by geographic coordinates specified to the nearest second. The area subject to inspection shall be deemed to be the maximum area within the precision of the coordinates. [Where specification to the nearest second is not possible owing to the absence of sufficiently detailed maps, or where it would be helpful, geographic coordinates shall be supplemented by written descriptions.] If possible, the requesting State Party shall also provide a map with a general indication of the inspection site and a diagram specifying precisely the boundaries of the site to be inspected.

"1/ One delegation held the view that in this text the same formulation concerning the content of the request should be used as in paragraph 2 of the document in Appendix II, containing the outcome of the 1989 open-ended consultations on Article IX, Part 2, pending a decision on the Status of this Protocol and on the document in Appendix II. Similarly, the term 'observer' in this text should be replaced by 'representative' as mentioned in paragraph 3 of the corresponding document in Appendix II.

"3. The Director-General of the Technical Secretariat shall within [one] hour[s] acknowledge to the requesting State Party receipt of its request. 1/

"4. The Director-General of the Technical Secretariat shall notify the inspected State Party not less than [12] hours prior to the planned arrival of the inspection team at the point of entry. Simultaneously the members of the Executive Council shall be informed about the request.

"[5. Unless already included in the request for a challenge inspection the requesting State Party shall within 24 hours after the arrival of the inspection team at the point of entry simultaneously inform the inspection team and the inspected State Party of the inspection site. At the same time the inspected State Party shall also be informed by the inspection team about the type of violation suspected as specified in the request in accordance with paragraph 2 of this section.] 2/

"B. Entry into the territory of the inspected State Party or host State

"The Director-General of the Technical Secretariat shall dispatch an inspection team as soon as possible after a request is received by the Technical Secretariat. The inspection team shall arrive at the point of entry specified in the request [not later than [24] hours after the receipt of a request] [in the minimum time possible]. 3/ 4/

"1/ It has been suggested that the transmission of the request needs further discussion in light of unresolved issues under Article IX.

"2/ A view was expressed that the inspected State Party be fully informed on the inspection request and the violation it is suspected of at the latest after the arrival of the inspection team at the point of entry.

"3/ It has been suggested that while the inspected State Party should cooperate with the Technical Secretariat to ensure rapid arrival of the team at a point of entry, the obligation to cooperate should be a more general one, and that this might best be dealt with in the text of the basic challenge inspection provision.

"4/ The view was expressed that overall time frames from the first announcement of a challenge inspection in a given State Party to the arrival of the inspection team at the inspection site are also important. The time frames should be such as to enable the inspected State Party to cooperate fully with the inspection while not undermining the value of short-notice inspections.

"C. Securing the site

"1. To help establish that the site to which the inspection team has been transported corresponds to the site specified by the requesting State Party the inspection team shall have the right to use location-finding equipment and have such equipment and other approved equipment installed according to its directions. [The inspection team may also visit local landmarks identified from maps available to them in order to verify their location.]

"2. In securing the inspection site, immediately upon arrival and up to the completion of the inspection, the inspection team shall be permitted to patrol the perimeter of the site, station personnel at the exits and inspect any means of transport [of the inspected State Party] [of any State Party temporarily or permanently based at the site or] leaving or entering the site, in order to ensure that there is no removal or destruction of relevant material. If the inspection team so decides, no such transport may leave the inspection site during the course of the inspection until permitted by the inspection team. The inspection team shall also be permitted to use approved equipment to monitor the perimeter of the site.

"D. Pre-inspection briefing

"1. A pre-inspection briefing shall be held in accordance with part I, section V. C. In the course of the pre-inspection briefing, the inspected State Party may indicate to the inspection team the equipment, documentation or areas it considers sensitive and not related to the purpose of the inspection, the Inspectors shall [consider] [take] into account the proposals made to the extent they deem them appropriate for the conduct of their mission. Additionally, personnel responsible for the site will brief the team on the physical layout and other relevant characteristics of the site, the team shall be provided with a map or sketch drawn to scale showing all the structures and significant geographic features at the site. The team shall also be briefed on availability of facility personnel and records.

"2. After the pre-inspection briefing the inspection team shall prepare, on the basis of the information available to it, an inspection plan which specifies the activities to be carried out by the inspection team, including the specific areas of the site to be visited, and the sequences in which the planned activities will occur. The plan shall also specify whether the inspection team will be divided into subgroups. The plan shall be made available to the representatives of the inspected State Party and the inspection site. The representatives of the inspected State Party and of the inspection site may suggest modifications to the plan. The inspection team shall have full discretion whether or not to accept any suggestion and shall have the right to modify its inspection plan at any time. The inspection briefing as well as the establishment and discussion of the inspection plan shall not exceed the general time-limit provided for in part I of section V. C.

"III. CONDUCT OF INSPECTIONS

"A. General rules

"1. Subject to the provisions under section B. and this section the inspection team shall have the access at the site they deem necessary for the conduct of their mission.

"2. In carrying out the inspection in accordance with the request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify doubts about compliance with the provisions of the Convention, and shall refrain from activities not relevant thereto. It shall collect and document such evidence as is related to the compliance with the Convention by the inspected State Party but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained.

"3. The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. [1] Wherever possible, it shall begin with the least intrusive procedures it deems acceptable and proceed to more intrusive procedures only as it deems necessary.

"B. Managed access

"1. The inspection team shall, to the extent it deems them appropriate, take into consideration and adopt suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or areas, not related to chemical weapons, are protected.

"2. In conformity with the relevant provisions in the Annex on the protection of confidential information the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential data not related to chemical weapons. Such measures, which shall not interfere with the inspection, may include:

"[1] Possible standardization of procedures to facilitate the implementation, *inter alia*, of this principle may be considered in the context of a manual for Inspectors to be elaborated by the Technical Secretariat.

- removal of sensitive papers from office spaces and securing them in safes
- shrouding of sensitive displays that cannot be secured in safes
- shrouding of sensitive pieces of equipment, such as computer or electronic systems
- logging off of computer systems and turning off of data indicating devices

"Subject to procedures in this Protocol (to be specified) inspectors shall have the right to inspect the entire inspection site, including shrouded or environmentally protected objects and the interiors of structures, containers, and vehicles.

"3. It shall be the obligation of the inspected State Party to satisfy the inspection team that any object protected by measures in accordance with paragraph 2 above or any other area, structure, container or vehicle excluded from inspection has not been designed, constructed or used for the suspected activity stipulated in the inspection request.

"[This may be accomplished by partial removal of a shroud or environmental protection cover, at the discretion of the inspected party, or by other methods. If the inspected party demonstrates to the satisfaction of the inspection team that the object has not been designed, constructed, or used for the stipulated suspect activity, then there shall be no further inspection of that object.

"Furthermore, it shall be the responsibility of the inspected party to satisfy the inspectors that a hazardous area, structure, container, or vehicle has not been designed, constructed, or used for the suspected activity stipulated in the inspection request. If the inspected party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any items designed, constructed, or used for the stipulated suspect activity, then such an enclosed space shall not be subject to further inspection 1/.]

"1/ It was suggested that further study is needed regarding what should be done if the obligation to satisfy the inspectors has not been fulfilled.

"C. Observer[s]

"1. The requesting State Party shall have the right to observe the conduct of a challenge inspection. 1/ It shall liaise with the Technical Secretariat to coordinate the arrival of its observer[s] at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival. 2/

"2. The observer[s] of the requesting State Party shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State located in the host State or, in the case of absence of an embassy, with the requesting State itself. He shall use the telephone communications provided by the requested State Party.

"3. The observer[s] shall have [the right to arrive at the site] [access to the inspection site as granted by the inspected State Party to him/them] [the same access to the inspection site as that granted to the inspection team]. [Throughout the inspection the inspection team shall keep the observer(s) fully informed about the conduct of the inspection and the findings.] 3/

"4. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer[s] such as communication means, interpretation services, transportation, working space, lodging, meals and medical care. All the costs in connection with the stay of the observer[s] on the territory of the inspected State Party or the host State shall be borne by the requesting State Party.

"D. Sampling

"The inspection team shall itself have the right to take any air, soil, wipe or effluent samples from the inspection site [,] at the perimeter of the inspection site [,] immediately upon arrival at the inspection site and throughout the period of inspection. 4/

"1/ A view was expressed that this sentence contained a basic obligation which should be included in the main body of the Convention.

"2/ The procedures for the timely entry of the observer of the requesting State Party into the territory of the inspected State Party/host State require further consideration.

"3/ The rights of the observer(s) need to be discussed and further elaborated. If agreement is reached that more than one observer shall be permitted, it might be necessary to specify the maximum number of observers.

"4/ It has been suggested that whether inspection team members or escort personnel should take these samples would require further discussion. It was also suggested that procedures for sample analysis require further discussion.

"E. Extension of inspection site 1/

"If the inspection team considers it necessary, for the purpose of the inspection, to visit any other contiguous location outside the boundaries of the inspection site as originally specified by the requesting State Party, the inspection team leader shall formally submit a written request to the inspected State Party [through the in-country escort]. Within two hours of the submission of the request the inspected State Party shall formally respond in writing to the request [through the in-country escort]. The requesting State Party or the observer[s] of the requesting State Party shall promptly be informed by the inspection team of the request of the inspection team leader and the response to it by the inspected State Party. If the response is negative, the requesting State Party may [through its observer] modify its original request to include the additional contiguous location. Once such a modified request has been formally submitted to [the Director-General of the Technical Secretariat] [the in-country escort], the additional contiguous location shall be subject to inspection by the team within ... hours. A request to visit an additional contiguous location shall not extend the overall period of inspection unless agreed in accordance with section IV. F. below of this section. 2/

"F. Duration of an inspection

"[The period of inspection shall not exceed ... hours. It may be extended by agreement with the inspected State Party by no more than ... hours. 3/]

"IV. DEPARTURE

"[1. At the inspected State Party's request, the clothing and equipment shall be left at the site. The inspected State Party shall reimburse the Technical Secretariat for the cost of any clothing and equipment left by the inspection team.]

"1/ A view was expressed that the inspection should be conducted strictly within the site as originally specified by the Organization, and there should be no such extension.

"2/ A view was expressed that it might not be necessary to formally resort back to the requesting State Party which is already involved in the whole process of the inspection through its observer as currently foreseen in the latter part of paragraph 3, section 'Observers'.

"3/ It has been suggested that before limits of an inspection are specified, it would be useful to explore the relationship between the size of the area to be inspected, the duration of the inspection and the size of the inspection team.

"2. Upon completion of the post-inspection procedures at the inspection site, the inspection team and the observer of the requesting State Party shall return promptly to the point of entry at which it entered the inspected State Party or host State and it shall then leave the territory of that State [within 24 hours] [as soon as possible].

"V. REPORTS

"A. Contents

"The inspection report shall summarize in a general way the activities conducted by the inspection team and the factual findings of the inspection team, particularly with regard to the ambiguities or suspected non-compliance cited in the request for the challenge inspection. Detailed information relating to the ambiguity or suspected non-compliance cited in the request for the challenge inspection shall be submitted as an Appendix to the final report and be retained within the Technical Secretariat under appropriate safeguards to protect sensitive information.

"B. Procedures

"The Inspectors shall within 72 hours of their return to their primary work location 1/ submit a preliminary inspection report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the preliminary report to the requesting State Party, the inspected State Party and to the Executive Council. A draft final report shall be made available to the inspected State Party within [20] days of the completion of the inspection for identification of any non-CW-related information it considers should due to its confidentiality not be circulated outside the Technical Secretariat. The Technical Secretariat shall consider proposals for changes to their draft final report made by the inspected State Party and using its own discretion, wherever possible, adopt them. The final report shall be submitted within [30] days of the completion of the inspection and be circulated to States Parties. 2/

"1/ The implication of the as yet undefined term 'primary work location' requires further consideration.

"2/ A view was expressed that the requesting State Party should also have the right to access to the report at any early stage.

"PART IV: PROCEDURES IN CASES OF ALLEGED USE OF CHEMICAL WEAPONS

"I. GENERAL

"1. Investigations initiated pursuant to Articles IX and/or X of the Convention of alleged use of chemical weapons shall be conducted in accordance with this Protocol and detailed procedures to be established by the Director-General of the Technical Secretariat. [Wherever appropriate, the procedures relating to challenge inspections shall apply.]

"2. The following additional provisions address specific procedures required in cases of alleged use of chemical weapons.

"II. PRE-INSPECTION ACTIVITIES

"A. Request for an investigation

"The request for an investigation of an alleged use of chemical weapons to be submitted to the Director-General of the Technical Secretariat, to the extent possible, should include the following information:

- the State Party on whose territory use of chemical weapons is alleged to have taken place
- the point of entry or other suggested safe routes of access
- location and characteristics of the area(s) where chemical weapons are alleged to have been used
- when chemical weapons are alleged to have been used
- types of chemical weapons believed to have been used
- extent of the alleged use
- characteristics of the possible toxic chemicals
- effects on humans, animals and vegetation
- request for specific assistance, if applicable

"The requesting State Party may submit at any time any additional information it deems necessary.

"B. Notification

"1. The Director-General of the Technical Secretariat shall immediately acknowledge receipt to the requesting State Party of its request and inform the Executive Council and all States Parties.

"2. If applicable, the Director-General of the Technical Secretariat shall notify the State Party on whose territory an investigation has been requested. The Director-General shall also notify other States Parties if access to their territories might be required during the investigation.

"C. Assignment of inspection team

"1. The Director-General shall prepare a list of qualified experts whose particular field of expertise could be required in an investigation of alleged use of chemical weapons and constantly keep this list updated. This list shall be communicated, in writing, to all States Parties within 30 days of the entry into force of the Convention and after each change to the list. Any qualified expert included in this list shall be regarded as designated unless a State Party, within 30 days after its receipt of the list declares its non-acceptance.

"2. The Director-General shall select the leader and members of an inspection team from the full-time inspectors already designated for challenge inspections taking into account the circumstances and specific nature of a particular request. In addition, inspection team members may be selected from the list of qualified experts when, in the view of the Director-General, expertise not available among inspectors already designated is required for the proper conduct of a particular investigation.

"3. When briefing the inspection team the Director-General shall include any additional information provided by the requesting State, or any other sources, to ensure that the inspection can be carried out in the most effective and expedient manner.

"D. Dispatch of inspection team 1/

"1. Immediately upon the receipt of a request for an investigation of alleged use of chemical weapons the Director-General shall, through contacts with the relevant States Parties, request and confirm arrangements for the safe reception of the team.

"2. The Director-General shall dispatch the team at the earliest opportunity, taking into account the safety of the team.

"3. If the team has not been dispatched within [24] [48] hours from the receipt of the request, the Director-General shall inform the Executive Council and the States Parties concerned about the reasons for the delay.

"1/ A view was expressed that an obligation should be laid down to dispatch the team within a fixed time frame.

"E. Briefings

"1. The inspection team shall have the right to be briefed by representatives of the inspected State Party upon arrival and at any time during the inspection.

"2. Before the commencement of the inspection the inspection team shall prepare an inspection plan to serve, inter alia, as a basis for logistic and safety arrangements. The inspection plan shall be updated as the need arises.

"III. CONDUCT OF INSPECTIONS

"A. Access

"The inspection team shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective investigation of the alleged use of chemical weapons. For such access, the inspection team shall consult with the inspected State Party.

"B. Sampling

"1. The inspection team shall have the right to collect samples, of types and in quantities it considers necessary. If the inspection team deems it necessary, and if so requested by it, the inspected State Party shall assist in the collection of samples under the supervision of inspector(s) or inspection assistant(s). The inspected State Party shall also permit and cooperate in the collection of appropriate control samples from areas neighbouring the site of the alleged use and from other areas as requested by the inspection team.

"2. Samples of importance in the investigation of alleged use include toxic chemicals, munitions and devices, remnants of munitions and devices, environmental samples (air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (blood, urine, excreta, tissue, etc.).

"3. When duplicate samples cannot be taken and the analysis is performed at off-site laboratories, any remaining sample shall, if so requested, be returned to the State Party after the completion of the analysis.

"C. Extension of the inspection site

"When the inspection team during an inspection deems it necessary to extend the investigation into a neighbouring State Party the Director-General of the Technical Secretariat shall notify that State Party about the need for access to its territory and request and confirm arrangements for the safe reception of the team.

"D. Extension of inspection duration

"If the inspection team deems that safe access to a specific area relevant to the investigation is not possible, the requesting State Party shall be informed immediately. 1/ If necessary the period of inspection shall be extended until safe access can be provided and the inspection team will have concluded its mission.

"E. Interviews

"The inspection team shall have the right to interview and examine persons who may have been affected by the alleged use of chemical weapons. It shall also have the right to interview eyewitnesses of the alleged use of chemical weapons and medical personnel and/or other persons who have treated or have come into contact with persons who may have been affected by the alleged use of chemical weapons. The inspection team shall have access to medical histories, if available, and be permitted to participate in autopsies as appropriate of the persons who may have been affected by the alleged use of chemical weapons.

"IV. REPORTS

"A. Procedures

"1. The inspection team shall within 24 hours from its arrival in the inspected State Party send a situation report to the Director-General of the Technical Secretariat. It shall further throughout the investigation send progress reports as necessary.

"2. The inspectors shall within 72 hours of their return to their primary work location submit an interim report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the report to the Executive Council and all States Parties. The final report shall be submitted to the Director-General of the Technical Secretariat within 30 days of their return to their primary work location.

"B. Contents

"1. The situation report shall indicate any urgent need for assistance and any other relevant information. The progress reports shall indicate any further need for assistance that might be identified during the course of the investigation.

"1/ A view was expressed that a provision to the effect that States Parties shall undertake not to take action which may endanger the safety of the inspection team is needed.

"2. The final report shall summarize the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition a report of an investigation of an alleged use shall include a description of the investigation process, tracing its various stages, with special reference to (i) the locations and time of sampling and *in situ* analyses; and (ii) supporting evidence, such as the records of interviews, the results of medical examinations and scientific analyses, and the documents examined by the inspection team.

"3. If the inspection team collects any information in the course of its investigation that might serve to identify the origin of any chemical weapons used, *inter alia*, through identification of any impurities or other substances during laboratory analysis of samples taken, that information shall be included in the report.

"V. STATES NOT PARTY

"In the case of alleged use of chemical weapons involving a non-State Party or on territory not controlled by a State Party, the Organization shall closely cooperate with the Secretary-General of the United Nations. If so requested, the Organization shall put its resources at the disposal of the Secretary-General of the United Nations.

"APPENDIX II

"JURISDICTION AND CONTROL

"Chairman's Summary of Consultations in 1990

"1. Given that the last series of discussions on this issue took place in 1987, the consultations at the outset involved a preliminary exchange of views, which helped achieve a wider appreciation of various national positions and concerns, including:

- the need for consistency, clarity and precision in defining the scope of States Parties' responsibilities under the Convention;

- the question of the exercise of jurisdiction by States Parties over their nationals (including legal entities) abroad.

Furthermore, it was generally recognized that, in the resolution of this issue, the optimum balance needs to be achieved between establishing obligations for States Parties which are both comprehensive and unambiguous and yet do not impose upon States Parties' obligations which cannot be fulfilled.

"2. Subsequently, discussions focused on the question of the general undertakings of States Parties, as embodied in Article VII: National Implementation Measures, especially in so far as this relates to the question of jurisdiction over private activities, both territorially and extraterritorially. This was without prejudice to the consideration of the issue of jurisdiction and control in other provisions of the Convention, especially with respect to:

- the scope of States Parties' obligations under Articles I to V (with at least one delegation being of the view that consideration of Article VII needed to be undertaken subject to the resolution of the relevant jurisdiction issues in Articles I to V);

- the monitoring provisions in Article VI (especially paragraph 1 (b)).

- questions of jurisdiction and control with respect to both the issue of old chemical weapons and of Article IX.

"3. These discussions showed that specific components of the general undertakings embodied in Article VII needed to be addressed. While the territorial basis for assuming jurisdiction over all natural persons and legal entities was generally recognized, divergent views remained with respect to:

- the extent of obligations assumed by States Parties by the use of the term 'to prohibit and prevent' with respect to activities on a State Party's territory or in any place under its jurisdiction or control, with some delegations suggesting alternatives such as 'not to permit' or 'to prohibit';

- the question of preserving an appropriate reference to 'control' in this provision;

- the extent to which States Parties are able and/or willing to enact penal provisions with respect to their nationals (both natural persons and legal entities) abroad.

"4. Furthermore, it was recognized that the right of States Parties to cooperate among themselves, as well as the need for extensive legal assistance between States Parties, in fulfilling general undertakings assumed under Article VII were issues which warranted reflection in the context of a redrafted Article VII.

"5. In an attempt to address these particular concerns, agreement was reached on a new text which is now included in Article VII, paragraphs 1 and 2, General Undertakings. It is recommended that the issue of jurisdiction and control, as it arises elsewhere in the Draft Convention, be the subject of further consideration.

"OLD CHEMICAL WEAPONS

"Chairman's summary of consultations in 1990

"Resumed consultations with interested delegations, initially bilateral and then open-ended, on the subject of old chemical weapons have revealed that divergencies remain. There is indeed a basic difference between the view that this question should remain a secondary one in the Convention, and another view which considers that it is a central question, not confined to the past, and directly linked to the question of use. The consultations have, however, enabled delegations to focus on specific aspects. The Chairman has reached the following tentative conclusions with respect to further work on the subject:

"1. Delegations recognize the need to have some provisions in the Convention to address the issue of old chemical weapons.

"2. Consideration of old chemical weapons is closely related to the definition of chemical weapons. Whilst some delegations believe that they should fall under the established definition in Article II, others consider that, given their characteristics, they should be subject to a specific regime, or even that some of them should remain outside the Convention.

"3. The circumstances for chemical weapons being present on a country's territory differ, but can be put into four categories:

- chemical weapons possessed now, or in the past, by that country as part of an active chemical weapons programme;

- chemical weapons deployed or stored in that country by another country, in accordance with bilateral agreements or security arrangements;

- chemical weapons abandoned in that country by another country or Government which may have previously been present at, or had some control over, the site of discovery;

- chemical weapons unearthed on that country's territory where chemical weapons were used in combat, washed ashore, or otherwise retrieved after having been lost or disposed of at sea by another country.

"This tentative inventory does not, however, lead for the time being to an agreement between delegations on the proper treatment of old chemical weapons in the Convention.

"4. Establishing responsibility for old chemical weapons abandoned in the past by a State Party on the territory of another State Party remains a subject of wide divergencies. There is, however, a widely shared understanding that the discovery of these old chemical weapons should not impose a priori the responsibility for destruction on the discovering State. To a certain extent, the issue is linked to the question of jurisdiction and control, which is presently under consideration.

"5. Delegations agree on the need for a regime to apply to chemical weapons that may be discovered after entry into force of the Convention.

"6. There is an agreement that the role of the Organization shall include receiving any notifications by a State Party that it has discovered old chemical weapons, and providing advice, if so requested, to interested States Parties in destroying them. One should take note, in that respect, of the new drafting of Article IV, paragraph 5, which deals with the possiblility for each State Party to cooperate with other States Parties through the Technical Secretariat regarding methods and technologies for destruction of old chemical weapons.

"7. There is an understanding that the provisions in the Convention should in no way preclude the possibility that countries concerned seek arrangements on a voluntary basis to resolve issues related to old chemical weapons.

"POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY, DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING SCHEDULE 2 CHEMICALS 1/ 2/

"1. Factors related to the listed chemical

"(a) Toxicity of the end-product.

"2. Factors related to the facility

"(a) Multipurpose or dedicated facility.

"(b) Capability and convertibility for initiating production of highly toxic chemicals.

"(c) Production capacity.

"(d) On-site storage of listed key precursors in quantities exceeding ... tonnes.

"(e) Location of the facility and infrastructure for transportation.

"3. Factors related to the activities carried out at the facility

"(a) Production e.g. continuous, batch, types of equipment.

"(b) Processing with conversion into another chemical.

"(c) Processing without chemical conversion.

"(d) Other types of activities, e.g. consumption, import, export, transfer.

"(e) Volume produced, processed, consumed, transferred.

"(f) Relationship between maximum and utilized capacity for a scheduled chemical.

- multipurpose facility
- dedicated facility

"4. Other factors

"(a) International monitoring by on-site instruments.

"(b) Remote monitoring.

"1/ The terminology of this material might have to be revised on the basis of the present stage of negotiations.

"2/ The order in which these factors are listed does not indicate any priority.

"LOW CONCENTRATIONS

"1. In a document distributed during the meeting with representatives of the chemical industry in June 1990, the United States Chemical Manufacturers Association (CMA) drew the attention to the problem of formulated products. As an example, the case of the pesticide Fonofos was mentioned, a chemical belonging to item 1 of Schedule 2 part A which is distributed and used as a dry granular solid containing 10 per cent or 20 per cent of active ingredient. The Chemical Manufacturers' Association assertion that every farmer using this material would be subject to on-site inspections under the envisaged verification regime seems rather exaggerated due to the established thresholds for declaration and verification. Nevertheless, the question of low concentrations is an issue that has to be looked into in a somewhat wiser context.

"2. The only probable case of a formulated Schedule 1 chemical is a very dilute solution of nitrogen mustard used in the treatment of cancer. The amounts used for this purpose are so small that it will be extremely unlikely that the 100 gram threshold allowed for laboratory synthesis (see Annex 1 to Article VI) will be exceeded.

"More likely are products formulated from Schedule 2 chemicals. A (small) number of pesticides belonging to item 1 of Schedule 2 part A (e.g. Fonofos) are being or are envisaged being distributed and used as a formulated product.

"It will be clear that before a product can be formulated it has to be produced first. This production will come under the verification regime established for this type of product.

"After formulation, one has to regard most of these products as not very suitable to be used as starting material to produce chemical weapons.

"Proposed procedure: In consultation with the Technical Secretariat, specified formulated Schedule 2 products containing [20] per cent 1/ or less of active material may be exempted from the monitoring provisions of the Convention.

"3. A related problem is that of low concentrations of by-products of scheduled chemicals formed as impurities during production of other chemicals. In the course of trial inspections in the chemical industry, this problem was encountered several times. Sometimes the industry involved was not even aware of this fact. Most of the times these by-products are

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"1/ A view was expressed that there should be a ceiling set for the percentages indicated in low concentrations.

eliminated during purification of the product either by burning or through waste water treatment. It seems important not to overburden the Technical Secretariat with declarations of such production.

"Proposed procedure: Limit any declarations of this type of 'production' of Schedule 2 (part A) chemicals as by-products to those cases where the total concentration exceeds the [5] per cent level. Any verification of higher concentrations will then be established commensurate to the risk posed to the Convention.

"4. Chemicals which are an unwanted by-product but pose a definite risk to the Convention may have to be treated as separate cases. In this regard, the chemical PFIB has been mentioned as an example.

"CAPTIVE USE OF LISTED CHEMICALS

"During discussions with representatives of the chemical industry, attention has been drawn to the issue of 'captive use' of chemicals in relationship with the provisions of the Convention. This issue was discussed in Working Group B of the Ad hoc Committee during the 1990 session. The following considerations reflect the state of the discussion at the end of that session.

"Captive use is an expression to indicate a procedure whereby a chemical is produced but subsequently transformed into (an)other chemical(s) without leaving the facility involved.

"Two cases can be distinguished:

"1. The chemical is not isolated and cannot easily be isolated.

"2. The chemical is isolated and is stored at the facility for a time which can range between minutes and days or can be easily isolated.

These two cases could be treated separately.

"1. The chemical is not isolated and cannot easily be isolated.

"1.1 The chemical is on Schedule 1.

Captive use of Schedule 1 chemicals as intermediates for commercial purposes is a highly unlikely event. (The only exception known at this moment is the use of BZ in the production of the pharmaceutical Librax.) One option would be to follow the rules for Schedule 1 production as now envisaged in the draft CW Convention. Another option could be the following: rather than establishing a special regime for Schedule 1 chemicals in captive use, exceptions might be made for those very rare cases at the time. In that case, the Organization would have to approve the production process to be used as well as the total quantity of the Schedule 1 chemicals present at any time in the facility (for example 1 kg). With that approval, the total yearly production of such chemicals would not be counted against the 1 tonne limit specified in paragraph 1 (iv) of Annex I to Article VI. The verification provisions would be similar to those for facilities producing Schedule 1 chemicals for research, medical or pharmaceutical purposes outside a single small-scale facility in quantities not exceeding 10 kg per year per facility.

"1.2 The chemical is on Schedule 2.

Proposed procedure: the facility and the process used are declared if the yearly production and consumption is above established thresholds. The modalities of eventual inspections should then be established commensurate to the risk posed by the process to the Convention. An element for the establishment of those modalities would be the technical difficulty for isolating the chemical.

"2. The chemical is isolated or can easily be isolated.

"2.1 The chemical is on Schedule 1.

Proposed procedure: normal restrictions on production of Schedule 1 chemicals would apply.

"2.2 The chemical is on Schedule 2.

Proposed procedure: the facility is declared and verified in the same way as established for non-captive use.

"OTHER FACILITIES TO BE COVERED UNDER ARTICLE VI

"This paper contains the outcome of discussion on the delimitation of the so-called 'capable facilities'. It is presented with the aim of furthering the process of elaboration of Article VI and of its Annexes.

"1. The declarations to be provided by a State Party under Article VI shall include all plant sites containing facility or facilities declared in the relevant paragraphs of Annexes 2 and 3. 1/

"2. The other facilities to be covered under Article VI could include the following: 2/

"(a) 1st option

Facilities that produced [or converted into another chemical] during the previous year or are anticipated to produce [or convert into another chemical] in the next year more than [..] tonnes of a discrete organic chemical except those that only produce chemicals containing only carbon and hydrogen and those that only refine petroleum. 3/ 4/

(Discrete organic chemical means any organic chemical compound identifiable by chemical name, structural formula, and if assigned, CAS registry number).

2nd option

Facilities that have a production capacity of more than [..] tonnes of a discrete organic chemical containing the elements phosphorus, fluorine or sulphur [or those involving the processes of phosphorylation, fluorination or sulfurylation,] identical to those chemicals included in Schedule 1 as well as in Schedule 2.

"[(b) Facilities not otherwise declared that have a production capacity of more than [..] tonnes of a discrete organic chemical, except those that can only produce chemicals containing only carbon and hydrogen and those that only refine petroleum 4/].

"1/ Further discussion is needed as regards the meaning of the following expressions: plant section, production plant, production facility, production area, plant, plant site, works, etc.

"2/ Further consideration needs to be given to the specific declaration and verification requirements with respect to facilities using biochemical reaction, or extraction from natural sources, 'capable' of producing more than [..] of listed chemicals.

"3/ A view was expressed that the present scope should be complemented by other criteria such as, for example, toxicity of produced chemicals; actual production of organic chemicals containing phosphorus, sulphur, fluorine, chlorine or arsenic.

"4/ A view was expressed that the question of exception needs further consideration.

"MODELS FOR AGREEMENTS

"A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING, PROCESSING OR CONSUMING CHEMICALS LISTED IN SCHEDULE 2

"1. Information on the facility producing, processing, or consuming chemicals listed in Schedule 2

"(a) Identification of the site and the facility

"(i) Site identification code

"(ii) Name of the complex/site

"(iii) Owner(s) of the complex/site on which the facility is located

"(iv) Name of the company/enterprise operating the facility

" (v) Exact location of the facility

"(1) Address and location (geographic coordinates) of the headquarter building(s) of the site/complex

"(2) Location (including the geographic coordinates, specific building and structure number) of the plant/reactor within the site/complex

"(3) Location(s) of the relevant building(s)/structure(s) comprising the facility within the site/complex.

"These might include:

"(a) Headquarters and other offices

"(b) Operation Process Unit

"(c) Storage/handling areas for feedstock and product

"(d) Purification equipment

"(e) Effluent/waste handling/treatment area

"(f) All associated and interconnecting pipework

"(g) Control/analytical laboratory

"(h) Warehouse storage

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and from the site

"(j) Medical centre

"(vi) Other areas to which Inspectors have access.

"(b) Detailed technical information

"Design information to be obtained during the initial visit should, as relevant, include:

"(i) Data on the production process (type of process: e.g. continuous or batch; type of equipment; the technology employed; process engineering particulars)

"(ii) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)

"(iii) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration of processed chemical in the end-product)

"(iv) Data on feedstocks used in the production of processing of declared chemicals (type and capacity of storage)

"(v) Data on product storage (type and capacity of storage)

"(vi) Data on waste/effluent treatment (disposal and/or storage; waste/effluent treatment technology; recycling)

"(vii) Data on clean-up procedures and general maintenance and overhauls

"(viii) Plan of the complex/site showing the location of the facility as defined in paragraph 1 (a) (v) and other areas as specified in paragraph 1 (a) (vi), including, with functions specified, for example, all buildings, structures, pipework, roads, fences, mains electricity, water and gas points

"(ix) Diagram indicating the relevant material flow and sampling points at the facility.

"(c) Data on safety and health measures on-site

"(d) Identification of the required degree of confidentiality for information provided during the elaboration of the agreement.

"2. Specific facility health and safety rules and regulations to be observed by Inspectors

"3. Inspections

"On-site inspection activities may include, but shall not necessarily be restricted to, the following:

"(i) Observation of any and all activities at the facility including safety measures

"(ii) Identification and examination of any and all equipment at the facility

"(iii) Identification, verification and registration of any technological or other changes in comparison with the detailed technical information ascertained when the facility agreement was worked out

"(iv) Identification and examination of documentation and records

"(v) Installation, review, servicing, maintenance and removal of monitoring equipment and seals

"(vi) Identification and validation of measuring and other analytical equipment (examination and calibration using, as appropriate, independent standards)

"(vii) Taking of analytical samples and their analysis

"(viii) Investigation of indications of irregularities.

"4. Monitoring with instruments on-site

"(a) Specification of items and their locations

"(i) Instruments supplied by the Technical Secretariat

"(ii) Instruments at/supplied by the facility

"(b) Installation of the instruments and seals, as appropriate

"(i) Time schedule

"(ii) Advance preparations

"(iii) assistance provided by the facility during installation "(c) Activation, initial testing and certification

"(d) Operation

- "(i) Operating mode
- "(ii) Routine testing provisions
- "(iii) Service and maintenance
- "(iv) Measures in case of malfunctions
- "(v) Replacement, modernization and removal

"(e) Responsibilities of the State Party

"5. Instruments and other equipment to be used during the inspections

"(a) Instruments and other equipment brought in by the Inspectors

- "(i) Description
- "(ii) Examination, as appropriate, by the facility
- "(iii) Use

"(b) Instruments and other equipment provided by the State Party

- "(i) Description
- "(ii) Testing, calibration and examination by the Inspectors
- "(iii) Use and maintenance

"6. Sample-taking, on-site analysis of samples

"(a) Identification of routine sampling points from

- production or process unit
- stocks, including warehouse, feedstock, storage

"(b) Other sample-taking (including wipe samples, environmental and waste/effluent samples) "(c) Sample-taking/handling procedures

"(d) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, sensitivity and accuracy of analyses)

"7. Removal of samples from the facility

"(a) in-house analysis off-site

"(b) other

"8. Records and other documentation

"(1) Records

  "(a) Accounting records e.g., quantities of all relevant chemicals moved on to and off site

  "(b) Operating records e.g., quantities of chemicals moved through the process unit

  "(c) Calibration records as appropriate.

"(2) Other documentation

"(3) Location of records/documentation

"(4) Access to records/documentation

"(5) Language of records/documentation

"9. Confidentiality

"Identification of the required degree of confidentiality for information obtained during the inspection;

"10. Services to be provided

"Such services may include, but shall not necessarily be restricted to the following:

  "(a) Medical and health services

  "(b) Office space for Inspectors

  "(c) Laboratory space for Inspectors

"(d) Technical assistance

"(e) Communications

"(f) Power and cooling water supplies for instruments

"(g) Interpretation services

"For each type of services, the following information shall be included:

"(a) The extent to which that service shall be provided

"(b) Points of contact at the facility for the service

"11. Updating, changes and revisions of the agreement

"12. Other matters

"Explanatory note

"During the review of the Model for an Agreement relating to facilities producing, processing or consuming chemicals listed in Schedule 2 the words facility, plant, operating process unit, site and complex have been understood as follows:

"1. Site. An area, whether or not within a retaining boundary, which is under the operational control of the HQ defined in para. 1 (a)(v)(1). A site may contain one or more plants.

"2. Complex. A large area comprising a number of autonomous sites which are not necessarily under the same operational control. There is doubt about the validity of this concept for this model for agreement.

"3. Plant. A relatively self-contained area/structure located on a site in which the production, processing or consumption of a particular type of chemical occurs (e.g., an organophosphorus plant, a packaging plant), or where particular types of operating units are grouped e.g., a multi-purpose plant. A plant may contain one or more operating process units.

"4. Operating Process Unit. The central array of equipment in a particular plant wherein the declared chemical is produced, processed or consumed. This might include reactor vessel, distillation and condenser units.

"5. Facility. All structures and buildings (referred to in para. 1 above) associated with the production, consumption and processing of the declared chemical.

"These might include:

"(a) Headquarters and other offices;

"(b) Operation Process Unit;

"(c) Storage/handling areas for feedstock and product;

"(d) Purification equipment;

"(e) Effluent/waste handling/treatment area;

"(f) All associated and interconnecting pipework;

"(g) Control/Analytic laboratory;

"(h) Warehouse storage;

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and leaving the site;

"(j) Medical centre.

"B. MODEL FOR AN AGREEMENT RELATING TO SINGLE SMALL-SCALE FACILITIES 1/

"Proposal by the Coordinator of Cluster IV for the 1987 session

"1. Information on the single small-scale facility

"(a) Identification:

"(i) Facility identification code;

"(ii) Name of the facility;

"(iii) Exact location of the facility;

If the facility is located within a complex, then also:

- Location of the complex;
- Location of the facility within the complex, including the specific building and structure number, if any;
- Location of relevant support facilities within the complex, e.g. research and technical services, laboratories, medical centres, waste treatment plants;
- Determination of the area(s) and place(s)/site(s) to which Inspectors shall have access.

"(b) Detailed technical information:

"(i) Maps and plans of the facility, including site maps showing, with functions indicated, for example, all buildings, pipework, roads, fences, mains electricity, water and gas points, diagrams indicating the relevant material flow at the designated facility and data on infrastructure for transportation;

"(ii) Data on each production process (type of process, type of equipment, technology employed, production capacity, process engineering particulars);

"(iii) Data on the feedstocks used (type of feedstock, storage capacity);

"1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"(iv) Data on the storage of the chemicals produced (type and capacity of storage);

"(v) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling).

"(c) Specific facility health and safety procedures to be observed by Inspectors;

"(d) Dates:

"(i) Date when the initial inspection took place;

"(ii) Date(s) when additional information was provided.

"(e) Storage of information:

"Identification of which information, provided about the facility under paragraph 1, shall be kept by the Technical Secretariat under lock and key at the facility.

"2. Number and modalities of inspections

"The number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines.

"3. Inspections

"On-site inspection activities may include, but shall not necessarily be restricted to, the following:

"(i) Observation of any and all activities at the facility;

"(ii) Examination of any and all equipment at the facility;

"(iii) Identification of technological changes in the production process;

"(iv) Comparison of process parameters with those ascertained during the initial visit;

"(v) Verification of chemical inventory records;

"(vi) Verification of equipment inventory records;

"(vii) Review, servicing and maintenance of monitoring equipment;

"(viii) Identification and validation of measuring equipment (examination and calibration of measuring equipment, verification of measuring systems using, as appropriate, independent standards);

"(ix) Application, examination, removal and renewal of seals;

"(x) Investigation of indicated irregularities.

"4. Monitoring system

"(a) Description of items and their location:

"(i) Sensors and other instruments;

"(ii) Data transmission system;

"(iii) Ancillary equipment;

"(iv) ...

"(b) Installation of the system:

"(i) Time schedule;

"(ii) Advance preparations;

"(iii) Assistance to be provided by the State Party during installation.

"(c) Activation, initial testing and certification;

"(d) Operation:

"(i) Regular operation;

"(ii) Routine tests;

"(iii) Service and maintenance;

"(iv) Measures in case of malfunctions;

"(v) Responsibilities of the State Party.

"(e) Replacement, modernization.

"5. Temporary closure

"(a) Notification procedure;

"(b) Description of the types of seals to be used;

"(c) Description of how and where seals shall be fixed;

"(d) Provisions for surveillance and monitoring.

"6. Instruments and other equipment to be used during inspections

"(a) Instruments and other equipment installed or brought in by Inspectors:

- "(i) Description;
- "(ii) Testing, calibration and examination by the State Party;
- "(iii) Use.

"(b) Instruments and other equipment to be provided by the State Party:

- "(i) Description;
- "(ii) Testing, calibration and examination by Inspectors;
- "(iii) Use and maintenance.

"7. Sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking from production;

"(b) Sample-taking from stocks;

"(c) Other sample-taking;

"(d) Duplicates and additional samples;

"(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

"8. Records. The records to be examined shall be determined after the initial visit and shall include the following:

"(a) Accounting records;

"(b) Operating records;

"(c) Calibration records.

"The following shall be determined on the basis of the initial visit:

"(a) Location and language of records;

"(b) Access to records;

"(c) Retention period of records.

"9. Administrative arrangements

"(a) Preparations for the arrival and departure of Inspectors;

"(b) Transport of Inspectors;

"(c) Accommodation for Inspectors;

"(d) ...

"10. Services to be provided [1]

"Such services may include, but shall not necessarily be restricted to, the following:

"(a) Medical and health services;

"(b) Office space for Inspectors;

"(c) Laboratory space for Inspectors;

"(d) Technical assistance;

"(e) Telephone and telex;

"(f) Power and cooling water supplies for instruments;

"(g) Interpretation services.

"For each type of service, the following information shall be included:

"(a) The extent to which that service shall be provided;

"(b) Points of contact at the facility for the service.

"11. Other matters

"12. Revisions of the agreement

"[1] The question of charges for the services needs to be discussed.

"C. MODEL FOR AN AGREEMENT RELATING TO CHEMICAL WEAPONS STORAGE FACILITIES [1]

"Proposal by the Coordinator of Cluster IV for the 1987 session

"1. Information on the storage facility

"(a) Identification:

"(i) Storage facility identification code;

"(ii) Name of the storage facility;

"(iii) Exact location of the storage facility.

"(b) Dates:

"(i) Date of the initial verification of the Declaration of the facility;

"(ii) Date(s) additional information provided.

"(c) Layout:

"(i) Maps and plans of the facility, including:

- boundary map to show entrances, exits, nature of boundary (e.g. fence);
- site maps to include locations of all buildings and other structures, bunkers/storage areas, fences with access points indicated, mains electricity and water points, and infrastructure for transports including loading areas;

"(ii) Details of the construction of bunkers/storage areas which might be of relevance for verification measures;

"(iii) ...

"(d) Detailed inventory of the contents of each bunker/storage area;

"(e) Specific facility health and safety procedures to be observed by Inspectors.

"[1] Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"2. Information relating to the transport of chemical weapons from the facility

"(a) Detailed description of loading area(s);

"(b) Detailed description of loading procedures;

"(c) Type of transport to be used, including construction details relevant to verification activities, e.g. where to place seals;

"(d) ...

"3. Number and modalities of systematic inspections, etc.

"The number and modalities of systematic inspections will be decided by the Technical Secretariat on the basis of guidelines.

"4. Inspections

"(a) Systematic on-site inspections:

Systematic on-site inspection activities may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of seals;

"(ii) Review, servicing and maintenance of monitoring equipment;

"(iii) Verification of the inventory of randomly selected sealed bunkers/storage areas:

- Percentage of bunkers/storage areas to be verified during each systematic on-site inspection.

"(b) On-site inspections of transports from the facility:

On-site inspections of transports of chemical weapons from the storage facility may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of any seals relevant to the transportation of chemical weapons;

"(ii) Verification of the inventory of bunkers/storage areas from which chemical weapons are to be transported;

"(iii) Observation of the loading procedure and verification of items loaded;

"(iv) Adjustment/realignment of the coverage of the monitoring system.

"(c) Inspections to resolve indicated irregularities (ad hoc inspections):

Ad hoc inspection activities may include, but are not necessarily restricted to, the following:

"(i) Investigation of indicated irregularities;

"(ii) Examination, removal and renewal of seals;

"(iii) Verification as required of the inventory of bunkers/storage areas.

"(d) Continuous presence of Inspectors:

The activities of continuously present Inspectors may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of seals;

"(ii) Verification of the inventory of any selected sealed bunkers/storage areas;

"(iii) Observation of any and all activities at the storage facility, including any handling of stored chemical weapons for the purpose of transport from the storage facility.

"5. Seals and markers

"(a) Description of types of seals and markers;

"(b) How and where seals are to be fixed.

"6. Monitoring system

"(a) Description of items and their locations:

"(i) Sensors and other instruments;

"(ii) Data transmission system;

"(iii) Ancillary equipment;

"(iv) ...

"(b) Installation:

"(i) Time schedule;

"(ii) Advance preparations at the storage facility;

"(iii) Assistance to be provided by the State Party during installation.

"(c) Activation, initial testing and certification:

"(d) Operation:

  "(i) Regular operation;

  "(ii) Routine tests;

  "(iii) Service and maintenance;

  "(iv) Measures in case of malfunctions;

  "(v) Responsibilities of the State Party.

"(e) Replacements, modernizations;

"(f) Dismantling and removal.

"7. Provisions governing instruments and other equipment to be used during inspections

"(a) Instruments and other equipment brought in by Inspectors:

  "(i) Description;

  "(ii) Testing, calibration and examination by the State Party;

  "(iii) Routine use.

"(b) Instruments and other equipment to be provided by the State Party:

  "(i) Description;

  "(ii) Testing, calibration and examination by Inspectors;

  "(iii) Routine use and maintenance.

"8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility;

"(b) Sample-taking from bulk stocks;

"(c) Other sample-taking;

"(d) Duplicates and additional samples;

"(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

"9. Administrative arrangements

"(a) Preparations for arrival of Inspectors;

"(b) Transport for Inspectors;

"(c) Accommodation for Inspectors;

"(d) ...

"10. Services to be provided 1/

"Such services should include, but are not necessarily restricted to, the following:

- medical and health services;
- office space for Inspectors;
- laboratory space for Inspectors;
- technical assistance;
- telephone and telex;
- power and cooling water supplies for instruments;
- interpretation services.

For each type of service, the following information should be included:

- the extent to which that service is to be provided;
- point of contact at the facility for the service.

"11. Amendments and revisions of the agreement
(e.g. changes in loading procedures, types of transport, analytical methods)

"12. Other matters

"1/ The question of charges for the services needs to be discussed.

"OUTCOME OF THE 1989 OPEN-ENDED CONSULTATIONS ON THE EXECUTIVE COUNCIL 1/

"Working basis on composition and decision-making process

"During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on the composition and decision-making process of the Executive Council.

"This paper contains the preliminary outcome of these consultations. It is presented with the aim of facilitating the further consideration of this issue. It should be stressed that delegations involved in the consultations accepted, as a working basis only, a hypothetical Executive Council of 25 members, then proceeded to examine issues associated with the Executive Council on that basis. Neither the basic hypothesis nor the options discussed about size, composition, allocation of seats and decision-making process, nor any of the positions formulated during the consultations constitute agreement; they do not necessarily represent any delegation's national position.

"A. Size 2/

"1. The Executive Council shall be composed of (25?) 3/ States Parties to the Convention, (with ... members?) elected for a (3?)-year term.

"2. (8/9?) members shall be elected every (?) years(s). 4/

"3. Monthly rotating chairmanship / or Chairman elected for (1?) year by the Executive Council/or the Conference of the States Parties; / or the Chairman of the Conference of the States Parties shall serve as a non-voting Chairman of the Executive Council.

"B. Composition

"Taking into account the eligibility of each State Party to serve on the Executive Council and the need to ensure an equitable balance in membership, its composition:

"1/ During the 1990 session, the Chairman of the Ad Hoc Committee continued open-ended consultations on the composition and decision-making process of the Executive Council, as well as on its powers and functions. During the 1991 session, the Chairman of the Ad Hoc Committee conducted consultations on these issues.

"2/ The possibility of a specific decision on change in size of the Executive Council to be provided for in advance has been discussed.

"3/ Proposals made range from 15 to 35.

"4/ The subjects of re-election and of non-elected members have been discussed.

"1. shall be based on the representation of the five regional groups of the United Nations;

"2. and on / the national capacity in the relevant 1/ chemical industry / and on / the political factor/

"C. Allocation of seats

"1. The allocation of seats could be made on the following basis:

- Each of the five regional groups will be allotted (3?) seats; these will be filled by members elected by the Conference of the States Parties on the proposals by the regional groups.

- The remaining seats (10?) will be filled (on proposal by the Executive Council,) in accordance with paragraph B.2 (by members elected by the Conference of the States Parties).

"2. A number of concrete formulae could be derived from A., B. and C.1 2/

"1/ The view was expressed that the word 'relevant' should be further discussed.

"2/ The following concrete formulae have been discussed:

"(a) Allocation of 5 seats per regional group of the United Nations, taking into account the industrial and political considerations within each region.

"(b) Allocation of seats to the 5 permanent members of the United Nations Security Council, with the remaining seats apportioned equally among the 5 regional groups.

"(c) Allocation of 3 seats per regional group and 10 seats on the basis of industrial criterion to be determined.

"(d) Allocation of 5 seats to the 5 most industrially advanced States Parties in the world; allocation of one seat each to the industrially most advanced States Parties in the regions not covered by the first category; and allocation of the remaining seats to the 5 regional groups, with 4 seats for the 2 groups not covered by the second category.

"(e) Allocation of 3 seats per regional group and 10 seats on the basis of the political factor to be determined.

"(f) Allocation of 3 seats per regional group; and 10 seats on the basis of industrial criteria to be determined, with at least 3 of the latter being allotted to Latin America/Africa/Asia.

"D. Decision-making process

"1. Each member of the Executive Council has one vote.

"2. The decision-making process of the Executive Council could be based on: simple majority for matters of procedure; consensus for matters of substance; and after ... hours a majority of (...).

"3. Voting requirements other than a two-thirds majority could be developed in order to prevent any preponderance.*

"(g) Allocation of 3 seats per regional group; allocation of 5 seats to the industrially most advanced States Parties; allocation of 5 seats taking into account the political factor following a 2-1-1-1 pattern.

"(h) (10?) seats on proposal by the Executive Council 'amongst States Members whose presence in the Executive Council would be beneficial for the good functioning of the Convention'; allocation of 4 seats per regional group of which 2 seats to the industrially most advanced States Parties of each group not included in the former category.

"(i) Allocation of seats on the basis of the requirement of regional spread and the weight to be allotted to a country in relation to its industrial importance.

"* A view was expressed that, in order to prevent preponderance, the decision-making process should be such that no one regional group could impose a decision on others and, in turn, could not be imposed upon with a decision it does not agree with.

"FINANCIAL ASPECTS OF THE ORGANIZATION

"In the discussion on principles and guidelines for the distribution of the Organization's costs among the States Parties several options have been mentioned. This paper is intended to give under A. an overview over these options. It contains under B. some ideas related to the financial aspects of the Organization. The paper should promote the preparation of decisions on this subject-matter.

"For purposes of the actual discussion, a structured list of activities of the Organization is provided:

"Activities related to general administrative activities, e.g. acquiring and using the headquarters and other sites, servicing meetings of the Organizations bodies, preparation of decisions to be taken by the Organization and provision of information to States Parties or International Organizations, negotiation of agreements, selecting and training of inspectors and other professional staff personnel;

"Those connected with the carrying out of procedures under Article IX - including inspection on request and administrative elements under Article X.

"Activities related to general verification activities, e.g. data collecting, checking and analysing, checking reports for anomalies, checking plans, drawing up verification plans, checking and evaluating verification results, elaboration of specific verification experience, drawing up and running a central laboratory, purchase and development of equipment and instruments.

"Specific activities related to inspections e.g.: payment for inspectors and personnel for service and support in the time of their travelling to and from the inspected site and their stay at the inspected site, including travelling costs for technical and logistic support and communications incurred by services provided by others than the inspected State Party.

"A.

"Options concerning the structure of the budget and concepts for the allocation of costs

"1. One budget - one rule

"The budget will be funded by contributions of all States Parties allocated in accordance with the United Nations principles for the allocation of costs for Member States' contributions to the United Nations regular budget. These principles could be modified by additional Convention related criteria.

"2. One budget - three aspects for the allocation of contributions

- Thirty per cent of the contributions allocated in accordance with the United Nations scale of assessment;
- Sixty per cent of the contributions allocated among States Parties in accordance with the United Nations scale of assessment modified by Convention related criteria;
- Ten per cent allocated among States Parties receiving inspections under Articles IV and V in proportion with the respective inspection efforts.

Variant:

- Ninety per cent of the contributions allocated among States Parties in accordance with the United Nations scale of assessment modified by Convention related criteria;
- Ten per cent allocated among States Parties receiving inspections under Articles IV and V in proportion with the respective inspection efforts.

"3. One budget with two parts (A) and (B)

- Allocation of costs:

Budget part (A):

All main activities of the Organization including verification could be funded by contributions of all States Parties. The allocation of costs could follow the United Nations principles for Member States' contributions to the regular United Nations budget.

Budget part (B):

Allocation of costs incurring by inspections under Articles IV, V and VI, Annex 1 (production for protective purposes) among States Parties receiving such inspections in proportion with the respective inspection efforts.

Allocations of costs incurring by inspections under Article VI except Annex 1 (production for protective purposes) in the following manner:

. One third to be paid by all States Parties in accordance with the United Nations scale of assessment;

. One third to be paid by those States Parties with a per capita-income exceeding a threshold;

- One third to be paid by those States Parties having facilities subject to an inspection regime under Article VI except Annex 1 in proportion with the number of facilities under this regime.

Variants:

- Allocation only of costs incurring by inspections under Articles IV and V in the manner described above;

- Funding of a fraction of these costs by all States Parties proportioned in accordance with the United Nations scale of assessment.

For costs incurring by inspections under Article VI except Annex 1 (production for protective purposes):

- One third to be paid by all States Parties in accordance with the United Nations scale of assessment and

either

- Two thirds to be paid by States Parties with a per capita-income exceeding a threshold

or

- Two thirds to be paid by States Parties having facilities subject to an inspection regime under Article VI except Annex 1 in proportion with the number of facilities under this regime;

Variants, connected with Article IX:

- Costs incurred by an inspection on request triggered by a State Party in abusing its right could be paid by the requesting State Party.

- Costs incurred by inspections on request could be paid by all States Parties on an equal basis.

"B.

"General ideas raised in the discussion

- Just and fairly balanced principles for the allocation of costs among the States Parties will foster universal adherence to the Convention. Ideas have been put forward to form the principles on which funding could be based. These included equity, solidarity and ability to pay. For specific activities it was suggested to attribute costs on a 'user pay' basis.

- All States Parties have the right and the duty to contribute to the financing of the Organizations' activities.

- Preferential treatment should be granted to certain States Parties according to their ability to pay. The acceptance of preferential treatment would be voluntary.

- It should be taken into account that the start of the Organizations' activities will incur significant one-time costs during the first years after the entering into force of the Convention. Those costs should be allocated in a manner that States joining the Convention later would not have an advantage from their late accession.

- The whole build-up of the Organization should take into account that after the 10 years' period its activities and subsequently its costs will have to be significantly reduced.

- The costs incurring for inspected States Parties in connection with their obligations to support inspection activities might also be taken into account in the financial aspects:

. Rules could be elaborated for reimbursing costs of a State Party incurred for it by activities of inspectors in addition to the normal inspection pattern;

. Supporting activities of States Parties which diminish the costs incurred for the Organization could be reimbursed to the extent of savings made by the Organization.

- Higher contributions could be allocated for States Parties elected as members of the Executive Council for their time of office.

- Voluntary contributions for specific objects during a limited time-period could be foreseen.

- The budgeting of the Organization could possess dynamic features in order to cope with unexpected events.

- The problem of allocating costs incurred by inspections on request has been discussed under different aspects. The question has been raised, whether they should be borne by the requested or the requesting side respectively, depending on the result of the inspection. The view has been expressed, however, this would complicate further the evaluation of inspection results by the Organization and add new difficulties to a solution of the problem of inspections on request. Another negative implication would be that States Parties having a higher economic potential would be favoured.

- The discussion drew the attention to the need for cost-effective solutions for problems for which final decisions are being prepared. This could apply e.g. on the pattern of verification or on choosing the place where the headquarters for the Organization should be situated.

- Views have been expressed also to the format for agreements on guidelines and principles for the distribution of the Organization's costs. It has been proposed to include a short provision to this end into the articles of the Convention or in an Annex. Also the inclusion of a provision into the material for the Preparatory Commission has been mentioned.

"CLASSIFICATION SYSTEM OF CONFIDENTIAL INFORMATION 1/

"During the verification activities under the Chemical Weapons Convention the proper balance should be observed between the degree of intrusiveness and the need to protect confidential information. Only when necessary data reporting and verification should rely on confidential information. Its handling shall not be in conflict with the existing international legal norms, namely with regard to the protection of intellectual property. In drawing the rules for handling and protection of confidential information the Director-General of the Technical Secretariat shall use the following classification, establishing the level of confidentiality of information:

"(a) Information, which could be released for public use through the official reports of the Organization to the United Nations or other institutions or upon request to States Non-Parties to the CWC, various organizations or individuals. The Executive Council shall determine the general parameters covering the release of information for public use, within which the Director-General of the Technical Secretariat shall consider and decide upon individual requests. Requests going beyond these parameters shall be referred to the Executive Council for decision. However, information from other classifications related to specified States Parties shall not be made public without the consent of the State Party concerned. The Director-General may disseminate any other information in accordance with a request by a State Party to which the information refers. This category shall cover, i.a., general information on the course of the implementation of the Convention;

"(b) Information with distribution limited to States Parties to the Convention. The main source of such information will be the Initial and Annual Declarations on the aggregate quantities of chemicals produced and number of facilities operating in individual States Parties. Data of such nature might be included in the reports to various bodies of the Organization. States Parties shall have easy access to such information and shall treat it as confidential (e.g. not to be offered to press). A routine distribution of this information shall be made to the Executive Council members and to the Technical Secretariat. Data, not contained in the regular reports, might be requested by States Parties. The Director-General shall respond positively to such requests, unless they contravene the agreed rules for the classification of confidential information;

"(c) Information limited to the Technical Secretariat, to be used primarily for the planning, preparation and carrying out of verification activities. This category shall comprise mainly detailed, facility-related information, obtained from the relevant declarations, facility attachments and

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"1/ This material shall be transferred to the Preparatory Commission/ Director-General of the Technical Secretariat for consideration in the elaboration of relevant regulations.

conclusions from on-site inspections. The Director-General shall regulate the access to such information by the Technical Secretariat personnel on the 'need-to-know' basis. Respect by the International Inspectorate and other Technical Secretariat personnel for confidential nature of information obtained will be ensured through contracts or appropriate recruitment and employment procedures as well as agreed measures applied against the Technical Secretariat staff in case of breach of rules for the protection of confidential information. Most sensitive information might be stored under code numbers rather than names of countries and facilities. Information, achieved through generalization of the facility-related data, could be, in accordance with the agreed procedure, released for use by States Parties;

"(d) Most sensitive kind of confidential information, containing data required only for the actual performance of an inspection like, e.g. blueprints, specific data related to technological processes, types of records. Such information shall be limited to justified needs for protection of technological know-how and shall only be available to inspectors on the site. It shall not be taken from the premises.

* * *

"The rules for classifying and handling of confidential information should contain sufficiently clear criteria ensuring:

- inclusion of information into appropriate category of confidentiality;
- establishing justified durability of confidential nature of information;
- rights of States Parties providing confidential information;
- procedures allowing, if necessary, to move a kind of information from one confidentiality category to another;
- modifications, when necessary, of procedures for handling individual categories of information.

"OUTCOME OF THE 1989 OPEN-ENDED CONSULTATIONS ON ARTICLE IX, PART 2: ON-SITE INSPECTION ON CHALLENGE 1/

"During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on Article IX, Part 2 (on-site inspection on challenge). 2/ These consultations were based on the text elaborated by the Chairman of the Ad Hoc Committee for the 1987 session, Ambassador Rolf Ekéus of Sweden and by the Chairman of Working Group C for the 1988 session, as contained in CD/952, Appendix II, pages 193-195.

"This paper contains the outcome of these consultations but does not address all the issues covered in the former text. The paper is not presented as a draft Article IX, Part 2, but with the aim of furthering the process of elaboration of Article IX. Although the text of this paper is unbracketed, it does not necessarily constitute agreement.

"1. Each State Party has the right to request an on-site inspection in any other State Party in order to clarify (and resolve) any matter which causes doubts about compliance with the provisions of the Convention, or any concern about a matter pertaining to the implementation of the Convention and which is considered ambiguous, and to have this inspection conducted anywhere, at any time and without delay by a team of inspectors designated by the Technical Secretariat. The inspection shall be mandatory, with no right of refusal. A requesting State is under the obligation to keep the request within the scope of the Convention. Throughout the inspection, the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.

"2. The request shall be submitted by the requesting State to the Director-General of the Technical Secretariat, 3/ 4/ who shall immediately

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"1/ The Chairman of the Ad Hoc Committee for the 1990 session undertook open-ended consultations on Article IX as a whole. The Chairman of the Ad Hoc Committee for the 1991 session undertook further consultations on the question of inspections under Article IX.

"2/ A view was expressed that these consultations are preliminary, exploratory in nature and inexhaustive. Some major elements contained in this document require further consideration, and there are some other elements to be examined.

"3/ A view was expressed that the request should be channelled through a Fact-finding Panel.

"4/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests.

notify the State to be inspected and inform the members of the Executive Council (as well as all other States Parties). The requesting State Party shall, as precisely as possible, specify the site to be inspected 1/ and the matters on which reassurance is required, including the nature of the suspected non-compliance, as well as indicate the relevant provisions of the Convention about which doubts of compliance have arisen.

"3. The mandate of the team of inspectors for the conduct of the inspection is the request put into operational terms, and must conform with the request. The team shall conduct the requested on-site inspection with the purpose of establishing relevant facts. The inspection team shall have the access to the site it deems necessary for the conduct of the inspection. It shall conduct the inspection in the least intrusive manner consistent with the effective and timely accomplishment of their task. The time-frame within which the team shall arrive at the site, secure it the way it deems necessary, have access to it and perform and conclude the inspection, and the relevant procedures, as well as the relationship of the representative of the requesting State to the inspection team and to the requested State are specified in (the Annex to this Article and in) the Protocol on Inspection Procedures.

"4. The requested State shall be under the obligation to admit the inspection team and the representative of the requesting State into the country, to assist the team throughout the inspection and to facilitate the task of the inspection team. In keeping with its right and obligation, the requested State may propose to the inspection team ways and means for the actual conduct of the inspection and also the protection of sensitive equipment or information not related to the Convention. The inspection team shall consider the proposals made to the extent it deems them adequate for the conduct of its mission. 2/

"5. In the exceptional case that the requested State proposes arrangements to demonstrate compliance, alternative to a full and comprehensive access, it shall inform the inspection team and make every effort, through consultations with the requesting State / and the inspection team 3/ / to reach agreement on the modalities for establishing the facts and thereby clarify the doubts. If no agreement is reached within 24 hours,

- the inspection shall be carried out in accordance with the request,

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"1/ Possible specification of the site in two steps to be further discussed.

"2/ The concepts of alternative measures and managed access need further clarification.

"3/ Further consideration is necessary on whether it is the requesting State Party or the inspection team or both which would agree on alternatives to access.

- _or_ the inspection team shall carry out the inspection in accordance with the inspection mandate as it deems necessary;

- _or_ the inspection team shall take the decision;

- _or_ the inspection team shall carry out the inspection in accordance with the guidelines set by the Director-General of the Technical Secretariat. _1_/

"6. The Director-General of the Technical Secretariat shall promptly transmit the report of the inspection team, which shall be factual (and contain, if necessary, individual observations of inspectors), to the requesting State, to the requested State, to the Executive Council and to all other States Parties. _2_/ He shall further transmit promptly to the Executive Council the assessment _3_/ of the requesting State, the views of the requested State and the views of other States Parties which may be conveyed to him for that purpose, and then provide them to all States Parties. _4_/ When requested by any State Party, _5_/ the Executive Council shall meet within 48 hours to review the situation and consider any appropriate further action necessary _6_/ to

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"_1_/ The concepts of alternative measures and managed access need further clarification.

"_2_/ Further consideration is needed as to the nature of the report and as to how much of its contents is to be provided to all States Parties in view of the sensitivity of information possibly contained therein.

"_3_/ A view was expressed that the term 'assessment' is too vague.

"_4_/ Further discussion is needed with regard to the decision-making process and actions of States Parties and organizational bodies following a challenge inspection.

"_5_/ A view was expressed that the meeting of the Executive Council should be automatic.

"_6_/ A view was expressed that, with regard to follow-on actions of the Executive Council, it should not take a vote on the inspection report nor on whether a party is complying with the Convention. In this regard, the question of what further action the Executive Council might recommend, including possible sanctions after any on-site inspection, needs further consideration and discussion.

redress the situation and ensure that the Convention is being complied with, including specific proposals to the Conference of the States Parties. 1/ The Executive Council shall inform the States Parties of the outcome of its meeting. 2/

"1/ A view was expressed that in view of Article VIII procedures, this sentence is not necessary nor appropriate here. Placing it here seems to limit the many possible courses of action available to States Parties, the Executive Council and Conference of States Parties after a challenge inspection.

"2/ The view was expressed that further consideration is needed as to the extent to which the process after the submission of the inspection report should be spelt out in Article IX.

"Reservations [1]

"1. No reservations or exceptions, however phrased or named, [including interpretative statements or declarations], may be made to this Convention [unless expressly permitted by other provisions of the Convention].

"2. The provision in paragraph 1 above does not preclude a State when signing, ratifying or acceding to this Convention, from making statements or declarations, however phrased or named, provided that such statements or declarations do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

- or alternatively -

"This Convention shall not be subject to reservations.

"Status of Annexes

"The subject needs further discussion.

"[1] The view was expressed that the concerns of a State Party should be dealt with during the negotiations of the Convention so that reservations will not be necessary. Thus, the reservations issue should be dealt with at a further stage in the negotiations.

"Material on the Preparation Period

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"I. OBJECTIVE OF WORK

"1. The general objective of the work connected with the preparation period is to ensure:

"(a) the entering into force of the Convention without undue delay, and to create the conditions necessary for its implementation from the very beginning;

"(b) the promotion of a universal adherence to the Convention. 1/

"II. MEASURES CONNECTED WITH THE NEGOTIATIONS

"1. The provision of relevant data will be instrumental for the elaboration of procedures, the identification of thresholds and the assessment of costs.

"States should be encouraged to participate in the exchange of such information. Further discussion to increase the compatibility of such information might be necessary. The outline for the provision of data to the Preparatory Commission, as contained in attachment 2, could be used as starting point for such a discussion.

"2. The transmission of material not being part of the text of the Convention to the Preparatory Commission has to be arranged for in advance.

"A register should be established by the Secretariat of the *Ad hoc* Committee, which will include documents relevant to the further preparation of the implementation of the Convention. An example for the possible structure of such a register is comprised in attachment 3.

"III. INFORMATION AND COOPERATION REQUIREMENTS FOR SIGNATORIES PRIOR TO THE ENTRY INTO FORCE OF THE CONVENTION

"The work to be accomplished by the Preparatory Commission will be complex and manifold. The correct functioning of the implementation mechanism of the Convention will depend to a large extent on the results which this body will achieve in the course of its activities. The contributions of signatories to the Convention will be instrumental to this end. 2/

"1/ Further consideration of specific activities on this subject will be necessary.

"2/ See the attachment 1 on preparation activities.

"The following requirements will have to be met:

"1. Information on the progress of the ratification process

"2. Information on

CW stockpile facilities

CW production facilities

CW destruction facilities

Production of chemicals included in Schedules 1, 2, 3 [1]

National Authorities

"3. Cooperation in the following fields:

acquisition and testing of instruments and devices for monitoring and inspection activities;

designation of instruments for routine and challenge inspection;

designation and installation of off-site laboratories and elaboration of respective procedures;

preparation for the designation of inspectors;

training of inspectors for verification activities (routine and challenge inspection);

prenegotiation of facility agreements related to facilities to be inspected under Articles IV, V and VI;

preparation for designation of points of entry.

"4. In order to ensure that these requirements will be met in the appropriate time-frames, concrete arrangements might be necessary. [2]

"[1] An outline for the provision of such data is attached to this paper.

"[2] The legal status of the Preparatory Commission and the obligations of States Signatories thereto needs further consideration.

"ATTACHMENT 1

"Overview of some activities of the Organization to be carried out after entry into force of the Convention, the ensuing preparatory work to be accomplished prior to this date and the information and cooperation requirements arising for signatories

Provision	Activity of the Organization	Time to start after entry into force	Preparatory work	Information and cooperation requirements
III, IV, V	Declarations to receive, compile and distribute to States Parties i.e. general and detailed declarations on CW stocks, CW production facilities, general and detailed plans for CW destruction and destruction/ conversion of production facilities	30 days 6 months or 9 months	Establishment of administrative framework for declaration and data as well as preparation for the study, compilation and dissemination of data and declaration to States Parties and other units of the Secretariat	Information on the progress in the process of ratification to enable planning for the date when the Convention enters into force
VI	Declarations on activities not prohibited by the Convention (relevant chemicals and facilities which produce, process or consume them)	30 days resp. annually		
IV (3)	Verification of declaration on CW at the location of each stockpile	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW stocks, their size and number of locations
IV (3)	Verification of non-removal of CW-stockpiles (continuous presence of inspectors and monitoring with instruments)	30 days/ continuously	Development and procurement of monitoring instruments and devices for the inventory control procedure	Acquiring and testing of monitoring instruments and devices

"ATTACHMENT 1 (continued)

IV (6)	Verification of destruction (continuous presence of inspectors and monitoring with instruments during active destruction phase)	After 1 year or earlier until the end of destruction	Recruitment and training of (...) inspectors & supporting staff, development and procurement of instruments	Number of destruction facilities. Approximate time of operation, operation schedules, acquiring and testing of instruments and devices
V (5)	Verification of declarations of CW production facilities	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW production facilities, their number and location
V (6)	Inspection and continuous monitoring of closure of CW production facilities (periodic & on-site instruments)	3 months until destruction	See above & development and procurement of instruments	See above & acquiring and testing of instruments
V (8)	International verification of destruction of CW production facilities	Not later than 12 months until the end of destruction	Recruitment and training of (...) inspectors & supporting staff	Support in training activities
V (9)	International verification of temporary conversion of a CW production facility into a CW destruction facility	See above	See above	Information about intention of conversion
VI Annex VI (1) II, 4	Initial visits to SSPFs and 'other facilities'	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on SSPFs and 'other facilities' in operation upon entry into force
	Systematic on-site verification of SSPFs and 'other facilities' through on-site inspection and monitoring with instruments	Immediately after 30 days	See above & development and procurement of instruments	See above & acquiring and testing of instruments

"ATTACHMENT 1 (continued)

VI Annex VI (2), 9	Initial visits	Immediately after 30 days	Recruitment & training of (...) inspectors & supporting staff development and procurement of instruments	Information on facilities producing, processing or consuming chemicals listed in Schedule (2), acquiring and testing of instruments
Annex VI (2), 5	Systematic on-site verification on routine basis			
IV Annex IV, II, 3	Conclude agreements concerning storage facilities	Within (6) months	Establishment of administrative framework for agreements and negotiations, further refinement of models for agreements, prenegotiation of such agreements with States Parties which will be needed during the first year	Prenegotiation of agreements on facilities under Articles IV, V, VI respectively with the Preparatory Commission
IV Annex IV, V, 5	Conclude agreements concerning on-site verification of CW destruction facilities resp. combined plans for destruction and verification	Earlier than 12 months		
V Annex V, V, 2	Conclude agreements concerning on-site verification of declarations and systematic monitoring of closure and verification of destruction of CW production facilities	Within (6) months	See above	See above
VI Annex VI (1), II, 5	Conclude agreements concerning on-site verification of SSPFs and "other facilities"	Immediately after 30 days	Further elaboration of the model for an agreement, prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission

"ATTACHMENT 1 (continued)

VI Annex VI (2), 11	Conclude agreements concerning on-site verification of facilities producing etc. chemicals listed in Schedule (2)	(6) months	Prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission
IV Annex IV, II, 7 and V, 7 VI (2) 14	Samples analysis in off-site laboratories designated by the Organization	Immediately after 30 days	Setting up a scheme of standardized equipment for off-site laboratories, designation of off-site laboratories and procedures for transport and handling of samples	Cooperation in the designation of off-site laboratories, installation of such laboratories pursuant to the schemes of the Preparatory Commission
Guidelines on the International Inspectorate (routine and challenge)	Designation of inspectors and inspection personnel	Immediately	Indication to signatories which inspectors are chosen for designation	Indication to the Preparatory Commission whether the inspectors might be acceptable
	Agreement on points of entry	Immediately	Preliminary agreement	Preliminary agreement
IX, 2	Carrying out of challenge inspections	Immediately	Training of inspectors for challenge inspections	Support in training activities
IX, 2	Designation of instruments for purposes of challenge inspection	Immediately	Development, procurement, testing, preliminary designation	Acquiring and testing of instruments
VII	Communicate with National Authorities	Immediately	Preparation of a list of names, addresses, communication lines	Providing data on National Authorities

"ATTACHMENT 2

"Nature of data to be submitted

"Such data would include, inter alia:

"1. Information on CW stockpile facilities

- number of facilities
- size of each facility (agent tons, square km)
- aggregate amount (agent tons)

"2. Information on CW production facilities

- number of facilities
- preliminary plans for their destruction

"3. Information on CW destruction facilities

- number of facilities
- preliminary plans for the destruction of CWs
- (time-frames for the first active destruction phase)

"4. Production of Schedule-1-chemicals

"4.1 Information on SSF

- location of the facility

"4.2 Information on 'other facilities' producing above 100 g

- number of facilities
- location of the facilities

"5. Production etc. of Schedule-2-chemicals

- number of facilities
- location of the facilities
- names of chemicals produced etc. at each facility
- production etc. amount per annum at each facility (in ranges)

"6. Production etc. of Schedule-3-chemicals

- number of facilities
- location of the facilities
- names of chemicals produced etc. at each facility
- production etc. amount per annum at each facility (in ranges)

"7. Others

"ATTACHMENT 3

"Possible structure of a register for material of relevance for the further preparation and eventual implementation of the Convention

"(A) Documents tentatively agreed upon, but not forming part of the draft (possible example: model for agreements on facilities).

"(B) Recorded understandings related to the work of the Preparatory Commission and/or the Organization.

"(C) Problems on which further work is required after the negotiations have been terminated.

"(D) Information on intentions of Governments concerning voluntary contributions for the Preparatory Commission, the Organization and States to assist in the preparation of the implementation of the Convention.

"(E) Studies, data-base, technical expertise related to the activities of the Organization in the implementation process (example: experience on trial inspections, data provided).

"(F) Other documents."

E. Prevention of an arms race in outer space

90. The list of documents presented to the Conference during its 1991 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

91. At its 605th plenary meeting, on 4 September 1991, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 582nd plenary meeting (see paragraph 7 above). That report (CD/1105) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament adopted the following decision:

> 'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the First Special Session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 5 of its agenda entitled "Prevention of an arms race in outer space".
>
> 'The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.
>
> 'The Ad Hoc Committee, in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1991 session.'

"2. In that connection a number of delegations made statements regarding the scope of the mandate.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament appointed Ambassador Roberto García Moritán of Argentina as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as the Committee's Secretary.

"4. The Ad Hoc Committee held 17 meetings between 26 February and 20 August 1991.

"5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Austria, Chile, Colombia, Costa Rica, Denmark, Finland, Greece, Ireland, Malaysia, New Zealand, Norway, Oman, Portugal, Senegal, Spain, Switzerland, Syria, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"6. In addition to the documents of the previous sessions 1/, the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1991 session:

CD/1059	Mandate for an Ad Hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled 'Prevention of an Arms Race in Outer Space'
CD/1073	Letter dated 12 March 1991 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada, transmitting compendia on Outer Space comprising plenary statements and working papers from the 1990 session of the Conference on Disarmament.
CD/1087	Letter dated 8 July 1991 addressed to the President of the Conference on Disarmament from the Deputy Representative of the United States to the Conference on Disarmament transmitting a statement delivered on 25 June 1991 by Ambassador David J. Smith, Chief United States Negotiator for the Defence and Space Talks in the Ad Hoc Committee on Prevention of an Arms Race in Outer Space of the Conference on Disarmament.
CD/1088	Letter dated 27 June 1991 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada, transmitting the Arms Control Verification Occasional Paper No. 7, entitled 'Satellites Harming Other Satellites.'
CD/1095	Letter dated 5 August 1991 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada, transmitting the Arms Control Verification Occasional Paper No. 6, entitled 'Overhead Imaging for Verification and Peacekeeping: Three Studies'.
CD/OS/WP.43	Programme of Work.
CD/OS/WP.44	Working paper entitled 'Status of Treaties Relating to Space Activities', submitted by the Secretariat.

"1/ The list of documents of the previous sessions may be found in the 1985, 1986, 1987, 1988, 1989 and 1990 reports of the Ad Hoc Committee, and in the special report to the third special session of the General Assembly devoted to disarmament (CD/642, CD/732, CD/787, CD/870, CD/834, CD/956 and CD/1039, respectively).

CD/OS/WP.45	Working paper entitled 'The concept of confidence-building and predictability measures in space activities of States', submitted by the Soviet Union.
CD/1092 CD/OS/WP.46	Working paper entitled 'Prevention of an arms race in outer space: Confidence-Building Measures and Transparency', submitted by France.
CD/OS/WP.47	Working paper entitled 'The Problem of Debris and Military Activities in Space', submitted by Italy.
CD/OS/WP.48	Working paper entitled 'Confidence and Security Building in a Protection Regime for Outer Space', submitted by Germany.
CD/OS/WP.49	Working paper entitled 'Terminological issues relevant to the prevention of an arms race in outer space', submitted by the Friend of the Chairman, The Hon. A. Monckton of the United Kingdom of Great Britain and Northern Ireland delegation
CD/OS/WP.50	Working paper entitled 'Issues related to ASATs', submitted by the Friend of the Chairman, Dr. M. Karem of the delegation of Egypt
CD/OS/WP.51	Working paper entitled 'Confidence-building measures in space activities', submitted by the Friend of the Chairman, Mr. M. Antuykhin of the delegation of the Union of Soviet Socialist Republics

"III. SUBSTANTIVE WORK DURING THE 1991 SESSION

"7. Following an initial exchange of views and consultations on the programme and organization of work held by the Chairman with various delegations, the Ad Hoc Committee, at its 1st meeting on 26 February 1991 adopted the following programme of work for the 1991 session:

> '1. Examination and identification of issues relevant to the prevention of an arms race in outer space;
>
> '2. Existing agreements relevant to the prevention of an arms race in outer space;
>
> '3. Existing proposals and future initiatives on the prevention of an arms race in outer space.
>
> 'In carrying out its work with a view to finding and building upon areas of convergence, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985.'

"8. With regard to the organization of work, the Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its programme of work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, namely, issues relevant to the prevention of an arms race in outer space, existing agreements and existing proposals and future initiatives. It was noted that any member wishing to do so may discuss any subject important and relevant to the work of the Committee.

"9. The work of the Ad Hoc Committee was governed by the mandate which aims at the prevention of an arms race in outer space.

"10. A general exchange of views was held during the 17 meetings which the Ad Hoc Committee devoted to substantive work including the presentation and examination of specific proposals for measures. All the delegations welcomed the prompt re-establishment of the Ad Hoc Committee and the new methodological approach applied.

"11. To enhance the functioning of the Committee in qualitative terms during the first part of the annual session three non-binding indicative lists of topics based on the main aspects considered in 1990 were circulated by the Chairman. The debate in the Committee dealt inter alia with the subjects referred to in the Chairman's lists of topics relating to the three items on the programme of work and attached in the Annex.

"12. In the second and third part of the annual session the work of the Committee was facilitated through the assistance of Friends of the Chairman who were appointed to deal with the following specific issues in open-ended consultations:

"(a) terminological aspects related to prevention of an arms race in outer space (The Hon. Anthony Monckton, delegation of the United Kingdom of Great Britain and Northern Ireland);

"(b) issues related to verification of ASATs (Dr. M. Karem, delegation of Egypt);

"(c) confidence-building measures including improvement of existing and future databases relating to space activities (Mr. M. Antuykhin, Delegation of the USSR).

"Each Friend of the Chairman presented, at the end of the session, a report containing the preliminary outcome of those consultations. Those reports are contained in the following working papers:

CD/OS/WP.49 entitled 'Terminological issues relevant to the prevention of an arms race in outer space'

CD/OS/WP.50 entitled 'Issues related to ASATs'

CD/OS/WP.51 entitled 'Confidence-building measures in space activities'.

"It was understood that those reports were presented by the Friends of the Chairman under their own responsibility, without prejudice to positions of delegations, with the aim of facilitating any future consideration of the issues.

"13. The Committee also benefited from the scientific and technical contributions of experts from various delegations who addressed the specific issues and initiatives under consideration in the Committee relevant to the prevention of an arms race in outer space.

"A. Examination and identification of issues relevant to the prevention of an arms race in outer space

"14. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America and it was stressed that bilateral and multilateral efforts were complementary. Many delegations emphasized that those negotiations did not diminish the urgency and the importance of multilateral efforts and reaffirmed that, as provided for in General Assembly resolution 45/55A, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects.

"15. The Group of 21 considered that there was an urgent need to address this important agenda item so as to achieve progress. For this reason, the Group took a flexible position on the question of the programme of work although it would have preferred the Committee to work under a negotiating mandate. It was felt that the new methodology applied to the work of the Committee would create new opportunities to advance from generality to specificity, allowing the Committee to enhance its functioning in qualitative terms.

"16. The Group of Western States welcomed the adoption of the same programme of work as in the previous years and equal allocation of time between the three main items of the programme of work. It thought that this formal framework implemented with due flexibility provided the best structure for the discussions while enabling each delegation that so wished to express its position and to make a contribution to the common search for areas of convergence envisaged in the programme of work.

"17. Many delegations of the Group of 21 underlined that in an era where the confrontation between the United States and the Union of Soviet Socialist Republics had eased, other States on planet Earth had reasons to hope that arms deployed on ground would not be supplemented with a threat from space that would provoke a counter and help in spiralling the arms race further into outer space.

"18. Many delegations reiterated that outer space was the common heritage of mankind and as such should be used exclusively for peaceful purposes, thus making it of vital importance to prevent an arms race in outer space. They pointed out that to date the Conference had performed useful work in identifying and clarifying the various aspects of this complex item and had before it numerous proposals aimed at perfecting the existing legal regime. In their view, the Conference should urgently fulfil its role by elaborating new instruments of a legal character which would, in an all-embracing and multilateral way, tackle the issue of the non-militarization of outer space.

"19. Some delegations belonging to the Group of Eastern European and other States reiterated that the issues of prevention of an arms race in outer space by joint efforts of all members of the international community had a key meaning for international security and for strengthening of strategic stability. They considered it necessary to provide on this track of disarmament a fruitful combination of multilateral and bilateral approaches. In their view, at the present time, the Conference on Disarmament was the most appropriate forum for arrangements to keep outer space free from weapons.

"20. One delegation of the Western Group, having recalled the interpretation of the 1967 Outer Space Treaty according to which that instrument did not prohibit all military activities in space, stated that some stabilizing military activities deserved to remain authorized. Besides, it was sometimes impossible to distinguish some civil activities from military ones. Therefore, it was preferable to concentrate on the prevention of any aggressive use of space. Moreover, that delegation stressed the difficulties of a comprehensive prohibition of anti-satellite weapons as such, since any space objects and ballistic missiles, as well as many ground-based systems, had potential anti-satellite capabilities.

"21. One delegation of the Group of 21 pointed out that 'peaceful' could not be equated with non-aggressive and it could only be interpreted to exclude 'military uses'.

"22. One delegation belonging to the Western Group said that the role of the Ad Hoc Committee and that of UNCOPUOS were separate and distinct. If the Ad Hoc Committee was to make any progress the same delegation suggested that two areas merited further study: definition and verification. A glossary of terms and definitions would provide the Committee with a more solid foundation for its discussions. Equally no arms control agreement in space could hope to be sustainable without effective verification.

"23. One delegation not belonging to any Group held the view that the prevention of an arms race in outer space and the peaceful utilization of it was the common aspiration of mankind. It reiterated that its State had all along been opposed to the arms race in outer space and stood for the complete prohibition and thorough destruction of all kinds of space weapons. It pointed out that in spite of the preliminary achievements in the nuclear and conventional disarmament, the arms race in outer space between the two major space Powers had not ended but on the contrary had taken on a new trend. Hence preventing an arms race in outer space had become a major task in the field of disarmament. In its view the arms race in outer space based on the latest development in science and technology was a qualitative escalation of the arms race in nature, which not only posed a threat to international peace and security but was also detrimental to the activities aimed at the peaceful use of outer space. Furthermore, it considered that it would have an adverse effect on the disarmament process. Confronted with such a reality it stood to reason for the international community to demand that the two countries with the largest space capabilities bear special responsibilities in preventing an arms race in outer space. It took note of the bilateral negotiations on space issues between the two major space Powers and pointed out that so far nothing substantive had been achieved. It held the view that in order to effectively prevent an arms race in outer space it was necessary that the two countries with the largest space capabilities should immediately adopt practical measures in undertaking not to develop, test and deploy any types of space weapons and destroy all the existing ones, including both anti-ballistic missiles and anti-satellite weapons, and on the basis of this, conduct serious negotiations with a view to concluding an agreement that completely bans all space weapons. While stressing the importance of the existing international legal instruments, it pointed out their insufficiency as well as the need to negotiate new international legal instruments. It stated that as the sole multilateral forum of disarmament negotiations, the Conference on Disarmament should start as soon as possible negotiations on an international convention on the complete prohibition of outer space weapons and on the prevention of arms race in outer space.

"24. The Group of 21 emphasized the need for in-depth treatment of matters under item 3 of the work programme 'Existing proposals and future initiatives on the prevention of an arms race in outer space'.

"25. Members of the Group of 21 having brought up certain comprehensive proposals, pointed out that there was a need to further analyse limitations of article IV of the Outer Space Treaty under the perspective of the regime applicable to outer space as distinct from the one confined to the Moon and other celestial bodies. Some proposals related to an amendment of the Outer Space Treaty and to transforming it into a comprehensive Treaty.

"26. As to confidence-building measures, the Group of 21 recalled United Nations General Assembly resolution 45/55B, which reaffirms the importance of confidence-building measures as a means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space and recognizes their applicability in the space environment under specific criteria yet to be defined.

"27. According to many delegations there appeared to be a general recognition that the Committee could usefully consider confidence-building measures including database improvements relevant to the mandate of the Committee and in consonance with evident complementarities of bilateral and multilateral efforts in this area.

"28. Members of the Group of 21 consistently addressed the question of a comprehensive ban of anti-satellite weapons, including a ban on testing in an ASAT mode of other weapons devices. In the context of measures pertaining to ASATs while recognizing the verification challenges connected with measures to prevent an arms race in outer space, the Group of 21 found it logical that these issues became the subject of more concrete deliberations and negotiations. The Group suggested that it might be useful in that connection to address the question of identifying technical means to support observation and verification functions pertaining to different relevant measures.

"29. On the subject of immunity of satellites many delegations stressed an increasingly important role of satellites in a variety of fields. For these delegations the spread of satellite technology had generated enormous opportunities for developments in the field of economic growth and international security and it was imperative that the international community safeguard the increasing positive developments of satellite technology on an urgent basis. It was acknowledged by those delegations that some amount of immunity had been provided to satellites by the 1967 Outer Space Treaty in relationship with Article II, paragraph 4 of the United Nations Charter. Under bilateral agreements between the United States and the Union of Soviet Socialist Republics protection was also provided by prohibiting interference with national technical means. This regime was on the one hand limited in scope and on the other not universal. Further development of a regime providing for immunity of satellites would not run contrary to the United Nations Charter.

"B. Existing agreements relevant to the prevention of an arms race in outer space

"30. Much attention was paid to the principles and provisions of international law relevant to the prevention of an arms race in outer space. Some delegations of the Western Group underlining the central role of the Charter of the United Nations stressed the special significance of paragraph 4 of Article 2 and Article 51. They emphasized that Article 2(4) prohibited the threat or use of force against the territorial integrity or political independence of any State. Complementing Article 2(4), Article 51 permitted States to exercise their inherent right of individual or collective self-defence. These delegations thus concluded that when read together, these two Charter provisions strictly prohibited the use of force in all instances except for individual or collective self-defence.

"31. Many delegations recalled that the Outer Space Treaty was a response to the challenges that space technology created in the 1960s. Some of them stressed that the first paragraph of article IV of the Treaty, represented a legal loophole exploited by some space Powers to develop a new generation of weapons that could be placed in outer space. There was almost unanimous recognition of the fact that the legal regime did place some limitations on certain weapons and military activities in outer space. However it was equally emphasized that existing legal instruments left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction.

"32. One delegation of the Group of 21 stated that the Outer Space Treaty of 1967 banned nuclear weapons and other weapons of mass destruction from space. However, there was no legal bar at present to the development of large lasers that some would hope could eventually be capable of countering missiles in their boost phase.

"33. Many delegations reiterated that the present legal regime governing outer space was not adequate to guarantee the prevention of an arms race occurring in outer space. It was noted that General Assembly resolution 45/55A recognized the urgency of preventing an arms race in outer space and requested the Conference on Disarmament to undertake negotiations for the conclusion of binding agreement or agreements, as appropriate. While recognizing the significant role played by that regime and the need to consolidate and strengthen it and its effectiveness, several delegations called for the total prohibition of the development, production, stationing, stock-piling and use of space weapons and the destruction or transformation of existing weapons.

"34. One delegation of the Western Group believed that the existing legal regime for arms control in outer space was equitable, balanced and extensive. The current regime placed some legal restraints on virtually every type of weapon in outer space and recurring predictions of an impending arms race in outer space had not been borne out. Therefore the allegations of its insufficiency were overstated. A legal regime, in and of itself, was not sufficient to prevent an arms race in outer space because one needed compliance with that regime, its enforcement and participation in that regime.

"35. One delegation of the same Group, while recognizing that the existing legal regime was insufficient to prohibit some potentially threatening activities and was partially based on bilateral agreements subject to different interpretations or withdrawal, affirmed that the prohibition to deploy any weapon in space would be neither realistic nor efficient: it could indeed limit some stabilizing activities and at the same time would not take account of the other threats to space activities.

"C. Existing proposals and future initiatives on the prevention of an arms race in outer space

"36. The Group of 21 recalled its proposal for the Ad Hoc Committee to have a negotiating mandate. The Group held the position that the Committee should focus on concrete proposals for measures with a view to conducting negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects.

"37. Some delegations of the Western Group, while agreeing to discuss and study the proposals put forward before the Committee, considered that political conditions were not ripe for in-depth negotiations on these proposals, or were not convinced that they were suitable areas for multilateral consideration.

"38. It was stressed by some delegations that although so far no armed conflict in outer space had taken place, mankind could not shut its eyes to history and to scientific and technological developments that were taking place and presume that there would not be any such incident in the future. The importance of what had been left uncovered by the Outer Space Treaty and other related measures two decades ago had grown and the shortcomings had become strikingly more evident.

"39. One delegation, a member of the Group of 21, stressed that Article IV of the Outer Space Treaty, contained a built-in limitation, as its scope did not extend to banning all types of weapons in outer space. It prohibited *inter alia*, the placing, installing or stationing of nuclear weapons and other weapons of mass destruction only. Its provisions did not therefore contain a clear-cut injunction to ensure that outer space is used exclusively for peaceful purposes. In the view of this delegation the principle of exclusive use for peaceful purposes applied only to the Moon and other celestial bodies and the only restriction placed on States parties pertained to the prohibition of the establishment of military bases, installations and fortifications, the testing of any type of weapon and the conduct of military manoeuvres on celestial bodies. The delegation considered that this meant that there was an inherent contradiction in the same article of the Treaty, thereby creating as a result not one but two legal regimes - one applicable to outer space and the other confined to the Moon and other celestial bodies. Therefore it was of the view that the general objective should aim at establishing one legal regime for outer space as well as the Moon and other celestial bodies. It maintained that this could only be realized through a clear-cut provision declaring that outer space shall be used exclusively for peaceful purposes.

"40. One delegation reiterated its proposal contained in document CD/851 seeking to amend Article IV of the Outer Space Treaty. It stressed that the proposal was aimed to fill in an important juridical vacuum in the Outer Space Treaty and to prevent the stationing in outer space of weapons other than nuclear and mass destruction weapons.

"41. Many delegations of the Group of 21 touched upon the destabilizing aspects of ballistic missile defences. The development, testing and deployment of active space systems, i.e. weapons with direct destructive effects to be used for anti-ballistic or ASAT tests, would run counter to the spirit of the Outer Space Treaty. An ASAT test-ban appeared to be the most effective way of rendering protection to satellites, in comparison with ideas such as creating immunity to the space segment of a satellite system as well as to areas surrounding a satellite. This could also have the advantage of leaving a way out with respect to the difficult questions pertaining to defining the functions of satellites, which might be of dual civil and military character, or could be supportive of both passive and active military systems. It had been proposed by many delegations that the present de facto moratorium by the two major space Powers on testing of existing dedicated ASAT systems, should be formalized. Furthermore, a banning of non-dedicated weapons devices would have to be directed at the testing of such weapons devices in an ASAT mode. Such a functional approach had had a precedence in the ABM Treaty, which had referred to 'testing in an ABM mode'. When dealing with identification of technical means to support observation or verification functions, this could be done in relation to confidence-building measures, leading to more concrete measures to prevent an arms race in outer space.

"42. In connection with the reiteration of some proposals for a comprehensive ASAT ban, one delegation of the Western Group stated that it did not believe that verification schemes proposed to date were adequate for this purpose. A key problem was verifying compliance with such an agreement. Another problem concerned the legal issue of how ASAT weapons should be defined and categorized. The delegation reiterated that the existing legal regime placed a wide variety of legal restraints on the nature, deployment and uses of ASATs. It stated that conventionally-armed ASAT weapons that lacked an ABM capability and that were not armed with nuclear weapons were currently not limited by any arms control agreement.

"43. Some delegations of the Group of 21 stated that not only were national technical means of verification adequate to detect and verify testing of space weapons in an ASAT mode including the 'direct ascent attack mode' but a mutually agreed definition of dedicated ASAT weapons did exist. Once listing of directed energy weapons like ground-based lasers which were a threat to satellites is fully under way, more complex understandings would need to be negotiated. The unconstrained development of ASAT systems was a means of avoiding the limits on BMD development set by the ABM Treaty. If lasers could be construed in terms of total brightness, their potential to attack satellites in high orbit would be controlled. It was easily conceivable to impose first use limitations, rules-of-the-road agreements and limited capability restriction on ASATs like dismantling of existing systems and test limits. These elements needed to be put together for a comprehensive ban on satellite intercept capability, which would mean restricting military space activities or undertaking them cooperatively, prohibiting all forms of anti-satellite defences, satellite ballistic missile defence and many offensive and laser systems.

"44. One delegation reiterated its proposal (contained in CD/939) to amend article IV of the Outer Space Treaty so as to make its prohibition applicable to any kind of weapons and to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of anti-satellite weapon systems which were not stationed in outer space. The proposal provided also for a second additional protocol to deal with the verification system to ensure faithful compliance with the obligations assumed by the States Parties.

"45. Confidence-building and predictability measures of States' activities in outer space found positive response by some delegations. In this connection, the concept of 'open outer space' was further elaborated by one delegation belonging to the Group of Eastern European and other States. It was proposed that this concept should become a subject of consideration at the Conference on Disarmament. In the view of that delegation the key elements that could form the basis of a future multilateral agreement on confidence-building and predictability measures in space activities of States should include the following measures: (1) the strengthening of the 1975 Convention on Registration of Objects Launched into Outer Space; (2) the elaboration of 'rules of the road' - 'a code of conduct'; (3) the use of space-based monitoring equipment in the interest of the international community; and (4) the establishment of an International Space Inspectorate. The same delegation suggested that the elaboration of a set of confidence-building measures, transparency and predictability could be the most realistic initial step to keep outer space free from weapons. It circulated at the Committee a working paper entitled 'The concept of confidence-building and predictability measures in space activities of States' (CD/OS/WP.45) which had integrated the ideas previously advanced at the Committee.

"46. On the question of the functioning of the Registration Convention some delegations reiterated their proposals on the strengthening of the regime established by the Convention. They observed that by providing specific information about the nature and functions of objects launched into space, the Convention constituted an indispensable database for any subsequent development designed to generate confidence in the uses of outer space. These delegations also indicated that the changes in the regime should apply on two levels, one being the scope of the information to be provided and the other the timeliness. Additional parameters and information should be added to the items already present in article IV of the Convention and to that effect a duly mandated Expert Group under the auspices of the Ad Hoc Committee should be entrusted with the responsibility to devise those criteria.

"47. Some delegations asserted that the need for databases was felt by all delegations and the Registration Convention was a source that was now realized to be inadequate. They recalled that several proposals for the extension of databases relating to space activities had been put forward by delegations from all Groups. Nothing in the Registration Convention prevented the CD or an expert group set up to assist the work of the Ad Hoc Committee as had been proposed by a number of delegations, from examining the information contained in the declarations under the Convention, which was a public registry.

"48. In that connection one delegation of the Western Group remarked that although the topic 'Registration Convention' was listed under the heading of CBM, the Convention, in its view, was not an arms control or confidence-building instrument. Wider adherence to the Convention and compliance with its current provisions would be the best way of strengthening it.

"49. Many delegations touched upon the verification issues indicating that consideration of these questions would constitute an important and integral part of the Committee's work, given the technological, political, commercial and even doctrinal aspects involved in considering a strengthened outer space regime. They reiterated the importance of verification and the desirability of multilateral involvement therein.

"50. One delegation, member of the Western Group, put forward views on verification and stated that the inability to construct a suitable and effective verification system could prevent agreements from being finalized. The move towards expanding arms control in outer space would require addressing carefully the problems stemming from the fact that space represented a relatively new medium and posed challenges for arms control, involving capabilities which could be entirely different from, but nevertheless interdependent with those employed on the Earth's surface. Major verification problems were likely to arise as a result of the need for worthwhile space regimes to cover not only objects and activities in space but also those on the Earth's surface related to space. Both environments should be considered in their interrelationship. This delegation noted that while many countries might have an interest in space, and would thus wish to be equal partners in any agreement, the technical capabilities necessary for satisfactory verification might be available to only a few.

"51. Another delegation, also a member of the Western Group, added its support to the above-mentioned position saying that no arms control agreement in space could hope to be sustainable without verification. It suggested that it would be useful to evaluate the cost of some of the proposals already put before the Committee and to consider how these costs might be met.

"52. The Head of a delegation to the bilateral Defence and Space Talks spoke to the Committee about the revised approach to ballistic missile defence called 'Global Protection Against Limited Strikes' (GPALS). The GPALS shifted the focus of strategic ballistic missile defence away from deterrence of a strategic ballistic missile attack to protection against the emerging and limited ballistic missile threat. A GPALS defence would include various sensors and three ground and space-based interceptors to ensure global coverage against missiles of all ranges. Any meaningful deployment of BMD would require a change in the legal regime established by the ABM Treaty. This State sought to negotiate within the Defence and Space Talks a cooperative transition to allow increased reliance on strategic BMD. This State continued to offer a mechanism to permit deployment of defences beyond the ABM Treaty following three years' discussion of specific measures for implementing a cooperative transition.

"53. Some delegations made reference to the ABM Treaty. One of them belonging to the Group of 21 noted that various political and technological factors posed important challenges and opportunities for the Treaty regime as it placed restrictions on testing weapons in an ABM mode but permitted weapons to be tested in an ASAT mode. It was due to this lacuna that 'direct ascent attack' by ballistic missiles could be considered for offensive purposes. Under the existing legal systems pertaining to space, there was no clear provision that the premeditated development of space based ASAT weapons, or their components or even their stationing violated the law, especially that pertaining to the Outer Space Treaty. For the same delegation some recent experiments and strategic initiatives like the SDI and GPALs raised important questions about compliance with the ABM Treaty.

"54. One delegation belonging to the Western Group in its expert presentation introduced the results of the research dealing with definitions and terminology which was called 'Harmfulness Indexing' method. Its basic purpose was to attempt to quantify the effectiveness with which any space object could be used as a weapon. In the view of the delegation the method of quantifying harm was well suited to article IX of the Outer Space Treaty. Another concept of vulnerability indexing dealt with the assessment of a spacecraft's vulnerability to any given threat. The harmfulness indexing methodology provided clues as to what made spacecraft harmful and how this might be regulated through arms control measures. The same delegation presented new approaches to the concept of keep-out zones (KOZ). Past suggestions for KOZ had focused on establishing protected volumes in space such as the concentric spherical shells called 'space fences', while the proposed concept of the 'free space' KOZ involved two stipulations: satellites should remain outside the minimum keep away distance at all times and satellites might remain within the flyby distance for a period of time no longer than the maximum flyby time. The delegation viewed the creation of KOZ as an effective confidence-building measure. The installation of beacons on satellites was suggested as a possible means of ensuring accurate data on their location relative to KOZ.

"55. One delegation of the same Group recalled its proposal of a step-by-step approach, starting with the adoption, by the international community, of the principle of non-interference with non-agressive space activities, which should form the basis of a regime of confidence-building measures. In a working paper (CD/1092 - CD/OS/WP.46) and in an expert presentation, it developed its proposal for the reinforcement of the 1975 Registration Convention, for rules of conduct for space objects, for measures of transparency and for an International Trajectory Centre. It also introduced a proposal for regional transparency agencies, providing for access to satellite imagery in the framework of regional agreements on confidence- and security-building measures.

"56. The delegation of another Western State, in an expert presentation (contained in Document CD/WP/OS.48), also focused on the confidence- and security-building aspects to be included in the provisions of a protection regime for outer space. It considered that transparency and restraint in space activities should be promoted by a code of conduct supplemented by registration and notification measures linked to rules of the road for in-orbit space objects for better monitoring as well as to keep-out zones. Proposals for strengthening the requirements of registration and notification could be enhanced by pre-launch inspection of space objects. According to the expert, unlike weapon-related agreements, a protection regime for outer space would allow a more general assessment of capabilities, with provisions which would differ considerably in terms of stringency and intrusiveness of monitoring. It would be possible to combine the three areas of declaratory, intentional and substantial confidence- and security-building measures.

"57. Another Western delegation in an expert presentation briefed the Ad Hoc Committee on the possibilities of current and future space technologies for disarmament verification. The expert indicated that in order to achieve effective verification it could be advantageous to use a combination of mutually reinforcing methods in a staged approach. After a short survey of the present technical possibilities the expert spoke of the future of the verification-related space technology in Europe. In this respect he introduced the EUCLID Programme of the Independent European Programme Group (IEPG), and the Programme of the Western European Union (WEU). He stressed that a good cooperation among all the technical space, aerial and ground-based means could provide guarantees for the prevention of a new arms race.

"58. An expert from another Western delegation addressed the problem of debris and military activities in space (CD/OS/WP.47, 2 August 1991) trying to assess the danger posed to artificial satellites by orbiting debris. He indicated that military activities in space constituted a large fraction of the total debris population and deployment and the testing of weapons in space would contribute to its further growth. To ensure safe space activity for all, including military operations, an international regime was called for. Some actions which could and should be taken about the debris problem were mentioned, including care about launch operations, keeping of the physical integrity of spacecraft, avoidance of deliberate fragmentation of spacecraft and rockets. It was underlined that plans for any space-based weapon system should be completely revised.

"59. One expert from a delegation belonging to the Group of 21 addressed possibilities of monitoring testing of existing and potential ASAT weapons. A number of ways that satellites could be made inoperational were indicated. Among the future potential ASAT weapons mention was made of lasers, space mines, brilliant pebbles, high-power microwaves, rail-guns, and neutral particle beams. It was said that during testing the characteristic parameters of weapons systems should show up. Among the various ways to monitor weapons and weapons testing photographic, heat detection, radar, electromagnetic fields detection, radiometric scattering, and probing techniques were discussed. Tagging was mentioned as one example of cooperative measures. With novel encryption techniques, very high degrees of security and authenticity could be obtained. Some of the non-dedicated ASAT weapons were said to be hypothetical in contrast to the monitoring techniques, which already had existed for some time in many cases, although an elaboration of these techniques in relation to a realization of the potential weapons concepts was claimed to be necessary.

"IV. CONCLUSIONS

"60. There continued to be general recognition in the Ad Hoc Committee of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. The work of the Committee since its establishment in 1985 has contributed to the accomplishment of this task. The Committee held a wide ranging exchange of views and heard a number of expert presentations which contributed to identifying and clarifying a number of issues and to a clearer perception of the various positions. The Committee, while aiming at identifying areas of convergence suitable for further structured work, advanced and further developed the examination and identification of various issues relevant to the prevention of an arms race in outer space. It was recognized once more that the legal regime applicable to outer space by itself did not guarantee the prevention of an arms race in outer space. There was again recognition of the significant role that the legal regime applicable to outer space played in the prevention of an arms race in that environment and of the need to consolidate and reinforce that regime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America and it was stressed that bilateral and multilateral efforts were complementary. In the course of the deliberations, the common interest of mankind in the exploration and use of outer space for peaceful purposes was acknowledged. In this context, there was also recognition of the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which stated that 'in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies'. The Ad Hoc Committee continued its examination of existing proposals and gave a preliminary consideration to a number of new proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

"61. In the context of their contribution to the discussions on all aspects of the mandate and work programme, the importance of the presentations in the Committee relating to confidence-building measures and to greater transparency and openness in space made in the course of the 1991 session was recognized by the Committee. Although cognizant of the various positions on these matters the Committee also recognized the relevance of that discussion to the work of the Committee. The Committee also noted the valuable and significant contribution to this discussion of the experts from many delegations and expressed its appreciation to those delegations that provided those contributions. The Committee equally expressed its appreciation of the preliminary work done by the Friends of the Chairman, viewing the outcome of their exercise as an encouraging development in the process of building upon the areas of convergence. The Committee recommended that this exercise be continued in 1992.

"62. It was agreed that substantive work on this agenda item should continue at the next session of the Conference. It was recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1992 session, taking into account all relevant factors, including the work of the Committee since 1985.

"ANNEX

"The present Annex contains the lists of topics that were presented by the Chairman corresponding to each one of the three items of the Committee's Programme of Work. The lists were elaborated to enable the Committee to structure its deliberations in an orderly and systematic manner. They do not represent in this sense an agreed or exhaustive listing nor do they reflect an order of priority among the items. The lists of topics reflect the questions on which the Committee has been working thus far and that could constitute a guide for future deliberations.

"LIST OF TOPICS FOR DISCUSSION UNDER ITEM 1 OF THE PROGRAMME OF WORK: EXAMINATION AND IDENTIFICATION OF ISSUES RELEVANT TO THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

"I. The Prevention of an Arms Race in Outer Space as a matter of priority in the international agenda

"1. Determination of the scope and objectives of multilateral work under the agenda item.

"2. The status of Outer Space:

- as the common heritage of mankind which should be used exclusively for peaceful purposes;
- as the province ('apanage') of mankind.

"3. The identification of the functions performed by space objects and of threats confronting them.

"4. The need for identification and elaboration of mutually-agreed legal terms:

- possible elaboration of a glossary of relevant definitions;
- discussion or possible updating of Canadian working paper CD/716 on 'Terminology Relevant to Arms Control and Outer Space';
- additional sources: UNIDIR's report on Problems Related to Outer Space (1987);
- other sources.

"5. Examination of sufficiency and adequacy of the existing legal regime.

"6. Approaches to reach a common understanding of what the existing legal norms do with regard to outer space activities:

- recognition of limitations of the existing regime.

"7. Functioning of the existing legal instruments:

- encouragement for wider participation and fuller compliance as generally acceptable means for strengthening of the regime.

"II. Relationship between space activities, security and stability

"1. The absence at present of weapons in space:

- acknowledgement of non-deployment, at present, of weapons in outer space;
- existence of ground-based weapons aimed at space-located targets;
- testing of air-based weapons aimed at space-located targets;
- space-based weapons at research stage.

"2. The relationship between the Prevention of an Arms Race in Outer Space and Arms Limitation and Disarmament Measures in other areas:

- interrelation between measures related to Outer Space and other aspects of the disarmament and arms limitation domain.

"3. Vulnerability and immunity of satellites, their role and use for purposes of reliable verification.

"4. Different concepts relating to International Verification Systems:

- comprehensive, combined;
- treaty specific;
- national technical means additioned by other methods suitable for multilateral agreements;
- analysis of technologies available.

"5. Questions relating to compliance.

"6. The need for information on how outer space is being used:

- confidence building and predictability synthetic approach.

"7. National Space programmes of military significance.

"III. New trends and dimensions of the Arms Race and its possible impact on the prevention of an Arms Race in Outer Space

"1. Impact of science and technology in the prevention of an arms race in outer space.

"IV. Importance and scope of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America

"1. Harmonization of work at the bilateral and multilateral levels.

"2. Role of the Conference on Disarmament.

"LIST OF TOPICS FOR DISCUSSION UNDER ITEM 2 OF THE PROGRAMME OF WORK:
EXISTING AGREEMENTS RELEVANT TO THE PREVENTION OF AN ARMS RACE
IN OUTER SPACE

"I. General consideration on the legal regime applicable to Outer Space relevant to the prevention of an Arms Race in this field

"1. Peaceful Uses.

"2. Non-aggressive uses.

"3. Military uses.

"4. Alternative approaches. The concept of Non-Interference with Non-Aggressive Activities of Space Objects.

"II. Sources

"1. Customary Law.

"2. The Charter:

- Preambl;;
- Art. 1 (1);
- Art. 2 (2) and (4);
- Art. 51

"III. The Outer Space Treaty of 1967

"1. Article IV:

- scope of the prohibition;
- possibility to ban activities or weapons not included in the prohibition set forth by Art. IV through the development of the concept of Non-Interference with Non-Aggressive Activities of Space Objects.

"2. The question of the principle of exclusive use for peaceful purposes as reflected in the Treaty.

"3. Perceived lacunae.

"4. The question of the existence of a 'double' regime applicable to Outer Space.

"IV. Adequacy/Inadequacy-Sufficiency/Insufficiency

"1. Limitations and loopholes.

"2. Consolidation, reinforcement, development:

- by direct amendments;
- through an indirect approach (CBMS).

"3. Participation

"V. The role of the Bilateral Agreements

"1. The ABM Treaty.

"VI. The Strategic Defences

"1. Their impact on the problem under consideration:

- protection against ballistic missile attacks.

"LIST OF TOPICS FOR DISCUSSION UNDER ITEM 3 OF THE PROGRAMME OF WORK: EXISTING PROPOSALS AND FUTURE INITIATIVES ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

"I. The Outer Space Treaty

"1. Existing restrictions and scope of the instrument.

"2. Amendment proposals:

"2.A. Analysis of the consistency of Art. IV under the perspective of the regime applicable to Outer Space as distinct from the one confined to the Moon and Other Celestial Bodies. Consequential amendment.

"2.B. Extension of the present prohibition to all kinds of weapon systems (CD/851).

"2.C. Enlargement of the prohibition spelt out in Art. IV to make it applicable to any kind of weapon systems (CD/939).

"II. Anti-Satellite Weapon Systems (ASATs)

"1. Banning of all ASAT weapons.

"2. The question of banning dedicated ASAT weapons/specialized ASAT systems.

"3. Banning of ASAT-mode testing of other weapon devices.

"4. Gradual approach: 1. first use limitations; 2. rules of the road leading to a Comprehensive Ban on Satellite Intercept Capability.

"5. Conclusion of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of anti-satellite weapons not stationed in Outer Space.

"III. Confidence-Building Measures

"1. Synthetic Approach. Confidence-Building and Predictability Measures in Outer Space.

"2. Improvement of Data Bases.

"3. The Registration Convention:

    "1. strengthening of its regime

        "1.A additional protocol;

        "1.B. refinement of information to be supplied as provided for in Art. IV of the Convention;

        "1.C. possible additional criteria

            - pre-launch information;
            - announcement of parameters;
            - updating;
            - other.

    "2. Voluntary Data Exchanges

        "2.A Declaration of Non-Deployment of Weapons in Outer Space.

    "3. Rules of the Road Concept

        "3.A restrictions on very low altitude overflights by manned and unmanned spacecraft;

        "3.B advanced notice of launch activities;

"3.C specific rules for agreed and possible defended 'keep out' zones;

"3.D grant or restrictions of the right of inspections;

"3.E limitations to high-velocity fly-bys;

"3.F limitations on trailing;

"3.G consultation on ambiguous situations.

"4. Code of Conduct Concept:

"4.A Codification of the principle of non-interference with non-offensive space activities;

"4.B International Trajectography Centre - UNITRACE.

"5. Data Base

"5.A Establishment of a Data Base on the launching of satellites and the collection and classification of technical data.

"6. Combined Approaches

"6.A The 'Open Outer Space' concept.

"IV. The Role of the New Technologies

"1. Non-Nuclear Defences against strategic ballistic missiles.

"2. Phased programme for cooperative transition to increasing reliance on such defences.

"3. Predictability Measures.

"V. Verification

"1. General:

"1.A interrelationship between verification in space and on Earth's surface related to space;

"1.B definitional questions (identification of space activities which have inherent arms applications);

"1.C practical difficulties including resources and funding;

"1.D the need to evolve from the almost exclusive use of National Technical Means of Verification to other methods involving multilateral agreements.

"2. Second Additional Protocol on Verification. Ref. CD/939.

"3. Verification of Space activities. The question of confidentiality. Disclosure of information.

"4. Utilization of commercial space based remote sensing imagery.

"5. Agency for Processing of Space Images.

"6. Protection (immunity) of satellites serving as National Technical Means of Verification.

"7. Technologies available:

"7.A microwave radar imaging;

"7.B satellite-borne sensors;

"7.C infra-red devices;

"7.D tagging of satellites;

"7.E other."

F. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

92. The document presented to the Conference during its 1991 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

93. At its 604th plenary meeting on 29 August 1991, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 582nd plenary meeting (see para. 7 above). That report (CD/1104) is an integral part of this report and reads as follows:

"I. Introduction

"1. At its 578th plenary meeting on 24 January 1991 the Conference on Disarmament decided to re-establish for the duration of its 1991 session, an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of 1991 (CD/1050).

"II. Organization of work

"2. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament appointed Ambassador Juraj Kralik of the Czech and Slovak Federal Republic as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 11 formal and 4 informal meetings between 12 March and 19 August 1991.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1991 session: Angola, Austria, Bangladesh, Cameroon, Chile, Costa Rica, Democratic People's Republic of Korea, Finland, Greece, Iraq, Ireland, Jordan, Malaysia, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Spain, Syria, Switzerland, Tunisia, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"5. The following working paper was submitted to the Ad Hoc Committee at this annual session: CD/SA/WP.13 dated 6 August 1991 entitled 'Paper presented by Egypt on security assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons'.

"III. Substantive work

"6. The Group of 21 stated that the issue of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons was one of cardinal importance since it was symbiotically linked to, and touched upon, the fundamental security of all States. It recalled General Assembly resolution 45/54 which had recommended that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective. The Group reiterated that, every effort should be exerted to construct an edifice of multilateral disarmament agreements to replace worn out theories and decayed strategies. Such an edifice would remain incomplete if comprehensive legally binding assurances from the nuclear-weapon States were not allocated to all non-nuclear-weapon States since they had voluntarily renounced the nuclear option. The Group of 21 regretted the lack of agreement and progress in this field despite the cardinal importance attached to the work of this Committee.

"7. The Group of 21 felt that there was agreement amongst the majority of the Member States of the United Nations to the idea of an international convention to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. This has been borne out by what had been embodied in successive resolutions of the United Nations General Assembly. The Group expressed an opinion that these resolutions reaffirmed the urgent need to reach an agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; appealed to all States, especially the nuclear-weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally-binding character and recommended that the CD should actively continue negotiations on this subject, including the consideration of any other proposals designed to secure the objective before it.

"8. The same Group was of the view that these resolutions should form the starting point of the Committee's negotiations and that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for an agreeable solution from that point.

"9. One delegation belonging to the Group of 21, whose views were shared by other delegations of the same Group, stated that the only credible guarantee against the use or threat of use of nuclear weapons lay in nuclear disarmament and the elimination of such weapons. To this end, it had proposed the conclusion of an international agreement prohibiting the use or threat of use of nuclear weapons and instead of agreeing upon partial pledges of non use, this treaty had to be negotiated pending complete nuclear disarmament. It had, however, supported a legally-binding and multilaterally-negotiated international instrument for providing security assurances to non-nuclear-weapon States, which should be clear, credible, universal and without any qualifications or discrimination. This, in turn, necessitates that such an instrument be based on a 'common formula' approach. NSAs cannot be predicated upon, nor can they be used as a pretext for demanding discriminatory obligations or 'reciprocal guarantees' from non-nuclear-weapon States, thus further adversely affecting their already threatened security. The nuclear-weapon States had an obligation to assure and the non-nuclear-weapon States had the right to be assured against the use or threat of use of nuclear weapons.

"10. One member of the same Group underlined the responsibility of the United Nations in maintaining international peace and security which had guided the Security Council to adopt its resolution 255 in 1968 on questions relating to measures to safeguard non-nuclear-weapon States parties to the NPT, especially because the NPT did not contain a clause providing for security assurances to non-nuclear-weapon States. It felt that the resolution adopted more than 23 years ago needed an update by adopting a revised version that would contain credible assurances. It considered that a first step was necessary to initiate a process whereby nuclear-weapon States party to the NPT would conduct consultations collectively or individually with the nuclear-weapon States not currently party to the Treaty on security assurances taking into account United Nations Security Council Resolution 255 of 1968 and to inform other States party to the Treaty of any progress or appropriate action taken by the Security Council as a result of these efforts. These views were contained, inter alia, in the paper presented by this delegation to the Ad Hoc Committee this year.

"11. One delegation from the same Group indicated that the concept of negative security assurances should now be discussed in the light of the improved climate. It felt that to suggest that States which had relinquished the nuclear option in a legally-binding manner to the NPT be content with unilateral security assurances was possibly to undermine the sobriety of such States. It believed that insistence upon conditional assurances which placed parties and non-parties to the NPT on the same footing might be unrealistic and unattainable and possibly disruptive.

"12. One delegation, a member of the Group of 21, expressed the view that credible security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons were an essential element of an effective and equitable regime to prevent the proliferation of nuclear weapons. Such assurances should be without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. The guarantees to be extended to the non-nuclear-weapon States also should be based on a single 'common formula' on which agreement exists, as was reflected in numerous resolutions on the subject adopted by the United Nations General Assembly over the years. At the same time the delegation was opposed to the 'categorization' approach pursued by some countries, as this would complicate the search for a 'common formula'. The delegation reiterated that the obligation of the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States should be categorical and unambiguous. Security assurances to non-nuclear-weapon States should be extended in an international instrument of a legally-binding character, which could take various forms. However, unilateral declarations of the nuclear-weapon States would not create the legal commitments that were essential for any credible arrangement to assure the non-nuclear-weapon States because unilateral declarations, no matter how solemnly made were, after all, statements of governmental policy and could be changed or withdrawn unilaterally. Finally, that delegation stated that negative security assurances were only a first step towards the complete prohibition of the use of nuclear weapons and as a part of the efforts to achieve nuclear disarmament.

"13. One delegation belonging to the Group of 21 also expressed the view that the only prerequisite to receive security assurances was the non-possession of nuclear weapons, and there should be no other conditions attached to the extension of such guarantees by the nuclear-weapon States. It stated that it had never accepted the logic behind the policies of nuclear deterrence. An agreement concerning NSAs should be based on the relevant United Nations resolutions.

"14. Some delegations of the Group of 21 expressed their regret that the work of the Committee had yet to benefit from the new international climate. They said that there had been little substantive work and urged the nuclear-weapon States to submit individually or collectively specific proposals in order that negotiations could begin. For those delegations the lack of progress was due to the absence of political will of some delegations.

"15. The Western nuclear-weapon States said the kind of political will needed was recognition by some members of the Group of 21 that the specific proposals offered by members of the Western Group during the 1991 session were serious and should be dealt with as such. Proposals and political will were required by all in order to further the work of the Committee.

"16. Some delegations belonging to the Group of Eastern European and other States, including the delegation of a State possessing nuclear weapons, reiterated their position that nuclear disarmament and the complete elimination of nuclear weapons represented the most effective and promising guarantee against the use or threat of use of nuclear weapons. Until then States not possessing nuclear weapons and not having them on their territory should have appropriate reliable international legal guarantees against the use or threat of use of these weapons. Some delegations belonging to the Group of Eastern European and other States, including the delegation of a State possessing nuclear weapons, noted that to achieve a substantive progress in this respect a political will and constructive approach should be demonstrated by all. Expressing readiness to participate actively in the search for solutions based on a common formula and agreeing with the approach of the delegations that give their preference to a multilateral international document of a binding character as compared to unilateral statements, these delegations expressed the view that it was necessary to consider similar or intermediate measures that would contribute to the creation of sound, clear-cut and genuine guarantees for the non-nuclear-weapon States based on a balance of interests of all States concerned. Such intermediate measures, according to them could include the prohibition of the use of nuclear weapons against all States - including those that had no such weapons; the creation of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. They referred also to the unilateral statements of two nuclear-weapon States that they would not be the first to use nuclear weapons.

"17. One delegation from the same Group suggested that an interim solution could be based on the 'lowest common denominator' of the five existing non-use declarations which meant that if non-nuclear-weapon States party to the NPT, not parties to an alliance and not stationing foreign nuclear weapons, could confirm in a NSA legal instrument its non-attack obligation assumed under article 2 (4) of the United Nations Charter, they might well enjoy legally-binding assurances. Such an interim arrangement might strengthen the security of the majority of non-nuclear-weapon States and could become an important step ahead. The delegation thought that the Committee could not follow a realistic and pragmatic 'single common formula' approach and at the same time insist on covering all non-nuclear-weapon States by the respective security assurances.

"18. The Western Group stated that it continued to attach importance to the question of Negative Security Assurances and recognized their role as a means of enhancing international security. It was the view of all members of this Group that unilateral commitments made by the three nuclear States of the Group, although not enshrined in a formal treaty, were firm commitments based on realistic considerations. Although they were worded differently, their spirit and the aim they pursued were identical. In practice, most non-nuclear-weapon States should find themselves covered by these assurances as indeed they might well be covered by all five unilateral statements. The Western Group was convinced that the most recent developments, especially in the East-West context and in Europe might offer some prospects for furthering the discussions. It stressed that one of the central elements of these developments was the joint reaffirmation of mutual commitment of non-agression enshrined in the United Nations Charter. The Group believed that these developments not only showed how rapid change could be and how advanced was the process of cooperation in Europe, but it was the conviction of the Group that such an approach could be useful to other regions. It therefore invited all States to examine the possibility to adopt initiatives taking into account particular characteristics of each region which should lead to stability and security for all participating States. In particular, the establishment of Nuclear Weapon Free Zones in appropriate areas could contribute to the settlement of regional tensions and disputes. This Group continued to be ready to examine carefully various ways of tackling the question of security assurances in a constructive way and in other appropriate fora. The Group recalled that legally-binding commitments could also be undertaken through the NPT, through regional arrangements such as the Treaty of Tlatelolco and the Treaty of Rarotonga or by an arrangement with the IAEA. The Group considered as particularly useful those proposals before the Committee, which recognized the necessary balance between binding and effective non-proliferation undertakings on the one hand and binding security assurances on the other hand.

"19. One delegation, member of the Western Group, recommending a realistic approach to this agenda item, indicated that because the possible use of nuclear weapons, as well as their deterrent role, was still a component of the military doctrines of some nuclear-weapon States the eventual total elimination of nuclear weapons could only remain a longer term objective. Moreover, the wish to obtain agreement from the five nuclear-weapon States on a common formula could only be achieved if all five of them could agree among themselves on what should be the components of that common formula. It also stated that even though this item had been on the CD agenda since 1979, the time was still not ripe to resolve it in the way that many States favouring a common formula would clearly prefer. The best way to advance the work should be through further discussion and the patient analysis of ideas that would appear to have some chance of being accepted by the nuclear-weapon States. Instead of repeated merely rhetorical calls for a common formula only by exploring with them what they would be prepared to accept would any progress be likely.

"20. Another delegation, a member of the Western Group, said that although NSAs are not in themselves concrete arms control or disarmament measures, they could enhance international security. It identified several key factors relevant to consideration of the issue of NSAs and specifically the importance of several existing international, particularly regional, legal instruments as means for giving more legal weight to the political commitments inherent in the various unilateral nuclear NSA declarations. In the context of this last factor, this same delegation urged all nuclear-weapon States which had not done so to sign additional protocol II of the South Pacific Nuclear Free Zone Treaty.

"21. The delegation of one Western nuclear-weapon State stressed the importance of a balance between, on the one hand, a legally-binding commitment by the nuclear-weapon States not to threaten to use or to use nuclear weapons against non-nuclear-weapon States, and on the other hand, a legally-binding commitment by such States not to develop, produce or acquire nuclear weapons. It moreover stated that any legally-binding assurance should be applicable to all non-nuclear-weapon States irrespective of their membership in a military alliance or of the stationing of nuclear weapons on their territories, but not to any non-nuclear-weapon State which would associate itself in any way to a nuclear attack against a nuclear-weapon State.

"22. One nuclear-weapon State was of the view that the most effective security guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons was the complete prohibition and total elimination of nuclear weapons. Pending the achievement of this goal, all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones under any circumstances. It reiterated its commitment that at no time and under no circumstances would it be the first to use nuclear weapons, and that it would not use or threaten to use nuclear weapons against non-nuclear-weapon States. It expressed its support for the conclusion of an international convention which could genuinely prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It also stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States.

"IV. Conclusions and recommendations

"23. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, together with the series of informal consultations by the Chairman revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States continued to persist and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. The formal debates and informal consultations demonstrated the readiness of delegations to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a 'common formula'.

"24. Against this background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be pursued in the light of the on-going and future developments to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1992 session."

G. New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons

94. The list of documents presented to the Conference during its 1991 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

95. At its 603rd plenary meeting on 22 August 1991, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 578th plenary meeting (see para. 7 above). That report (CD/1099) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 578th plenary meeting held on 24 January 1991, as contained in document CD/1051, the Ad Hoc Committee on Radiological Weapons was re-established, for the duration of the 1991 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc Committee would report to it on the progress of its work before the conclusion of its 1991 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At that same plenary meeting, the Conference on Disarmament appointed Mr. Angus W.J. Robertson of Canada as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Department for Disarmament Affairs served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held six meetings from 25 February to 12 August 1991. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following 25 States not members of the Conference on Disarmament were invited to participate in the work of the Ad Hoc Committee: Angola, Austria, Chile, Costa Rica, Denmark, Finland, Greece, Iraq, Israel, Jordan, Kuwait, Malaysia, New Zealand, Norway, Oman, Portugal, Qatar, Senegal, Spain, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, Uruguay and Zimbabwe.

"5. In addition to various resolutions adopted by the United Nations General Assembly on the subject at its previous sessions, the Ad Hoc Committee had before it resolutions 45/58 F and J adopted by the General Assembly at its forty-fifth session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"6. The following working papers were presented to the Ad Hoc Committee:

- CD/RW/WP.91 dated 4 March 1991 entitled 'Programme of Work for the 1991 session'
- CD/RW/WP.92 dated 13 August 1991 entitled 'Report of Contact Group A'
- CD/RW/WP.93 dated 13 August 1991 entitled 'Report of Contact Group B'

"III. WORK DURING THE 1991 SESSION

"7. At its 1st meeting on 25 February 1991, at the suggestion of the Chairman, the Ad Hoc Committee agreed that it continue the same method of work adopted since 1987, that is, that Contact Group A continue to consider the prohibition of radiological weapons in the 'traditional' sense and that Contact Group B continue to consider issues relevant to the prohibition of attacks against nuclear facilities.* He also recommended that the work of the two groups should be pursued as recommended in the 1990 report of the Ad Hoc Committee (CD/1027), that is, to draw upon the two annexes contained in that report as a basis for its work.

"8. At the same meeting, the Ad Hoc Committee appointed Mr. Scott O.E. Omene of Nigeria to coordinate the work of Contact Group A and Mr. Guéorgui Dimitrov of Bulgaria to coordinate the work of Contact Group B.

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* One delegation did not take part in the work on the prohibition of attacks against nuclear facilities.

"9. The Ad Hoc Committee held a general exchange of views, after which its work was carried out principally in the framework of the Contact Groups as established above, supplemented by occasional, additional, brief, often informal meetings of the Ad Hoc Committee. On the basis of that work, the two Co-ordinators presented to the Ad Hoc Committee, at its 6th meeting on 12 August 1991, their respective reports (CD/RW/WP.92 and 93), which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad Hoc Committee. It is understood that the contents of the Annexes are not binding on any delegation.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"10. The work conducted by the Ad Hoc Committee during its 1991 session was useful in contributing further to the clarification of different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on Radiological Weapons at the beginning of its 1992 session and that the Ad Hoc Committee draw upon the Annexes to this report as a basis for its future work.

"ANNEX I

"Report of Contact Group A

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its first meeting on 25 February 1991, Contact Group A was re-established to continue consideration of the issues relevant to the prohibition of radiological weapons.

"2. Contact Group A held eight meetings from 4 March to 12 August 1991. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to the guidelines set out during the first meeting of the Ad Hoc Committee, Contact Group A used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1990 (CD/1027, Annex I, Attachment). The Contact Group reviewed the draft articles for a convention on the prohibition of radiological weapons contained therein. New alternatives were added to the texts on 'Scope and Definitions' and new texts were elaborated on Review Conferences and Amendments under 'Other Main Elements'. The texts on 'Verification and Compliance' and the 'Annex' were also amended.

"4. The amended Co-ordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"5. The Co-ordinator's record is not binding upon any delegation and does not preclude any delegation from introducing proposals to the text as a whole or the elements thereof at a later stage. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

"*Attachment*

"DRAFT ARTICLES FOR A CONVENTION ON THE PROHIBITION OF RADIOLOGICAL WEAPONS

"PREAMBLE

"*The States Parties to this Convention*, hereinafter referred to as the 'Parties to the Convention',

"*desiring* to contribute to the realization of the purposes and principles of the Charter of the United Nations,

"*determined* to act with a view to achieving progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction as well as the development of new types of such weapons as radiological weapons,

...

"*bearing in mind* that the prohibition of radiological weapons is a step in the process towards general and complete disarmament,

"*further bearing in mind* long lasting effects of radioactive contamination on living creatures as well as on the environment,

"*Have agreed* as follows:

"I. SCOPE

"*Paragraph 1*

"*First alternative*

"Each Party to the Convention undertakes to prohibit radiological weapons and hence never under any circumstances:

"(a) to disseminate deliberately any radioactive material, including radioactive waste, for the purpose of causing injury, death, damage or destruction by means of the radiation produced directly or indirectly by the decay of such material,

"(b) to develop, produce, stockpile, otherwise acquire, possess or transfer any device specifically designed for the dissemination of radioactive material prohibited under (a) of this paragraph.

"Second alternative

"[Each Party to the Convention undertakes not to develop, produce, stockpile, otherwise acquire, possess, transfer or use under any circumstances Radiological Weapons as defined in Section II.] [1]

"Paragraph 2

"Each Party to the Convention undertakes to take any measures it considers necessary in accordance with its constitutional procedures and its international obligations anywhere under its jurisdiction and control to:

"(a) prohibit and prevent any activity which would constitute a violation of the obligations undertaken by the Parties to the Convention,

"(b) prohibit the diversion and prevent the loss of radioactive material which could be used for purposes prohibited by this Convention.

"Paragraph 3

"Each Party to the Convention undertakes not to assist, encourage or induce anyone to engage in activities prohibited by the provisions of this Convention.

"[II. DEFINITIONS]

"First alternative

"[For the purposes of this Convention the term 'radiological weapon' means:

"(i) any device specifically designed for the dissemination of radioactive material to cause [as its primary effect] injury, death, damage or destruction by means of the decay of such material,

"(ii) any radioactive material specifically designed and prepared for employment, by its dissemination, to cause injury, death, damage or destruction by the decay of such material,

"(iii) any other radioactive material if used for employment by its dissemination to cause injury, death, damage or destruction by the decay of such material.]

"[1] Views were expressed that the second alternative of paragraph 1 of 'Scope', combined with the second alternative of 'Definitions' needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and of paragraphs 1 and 2 of 'Other Main Elements'.

"Second alternative

"[For the purpose of the Convention, the term 'radiological weapon' means any device containing radioactive material or waste as its principal harmful element and specifically designed or used to cause injury, death, environmental damage, or destruction through the direct or indirect effects of ionizing radiation, without involving the critical assembly of any fissile material.] 1/

"III. PEACEFUL USES

"Paragraph 1

"Nothing in this Convention should be interpreted as affecting in any way:

"(a) the full exercise of the inalienable rights of all Parties to the Convention, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and all peaceful applications of their nuclear programmes for economic and social development in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons in all its forms. International cooperation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis,

"(b) the undertakings of Parties to the Convention to contribute to the fullest possible extent to international cooperation and assistance to ensure the development and effective implementation of adequate measures of protection for all States against the harmful effects of radiation.

"Paragraph 2

"Nothing in this Convention shall be interpreted as requiring or permitting a Party to the Convention to take measures which could affect the programmes of other States for peaceful uses of nuclear energy or technology for their economic or social development.

"1/ Views were expressed that the second alternative of paragraph 1 of 'Scope', combined with the second alternative of 'Definitions' needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and of paragraphs 1 and 2 of 'Other Main Elements'.

"IV. OTHER MAIN ELEMENTS

"Paragraph 1

"The provisions of this Convention shall not apply to nuclear explosive devices or to radioactive material produced by them. 1/

"Paragraph 2

"Nothing in this Convention shall be interpreted as in any way legitimizing the development and the use of nuclear weapons or detracting from the obligations of States to refrain from the use or threat of use of such weapons. 1/, 2/

"Paragraph 3

"Parties to the Convention undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament. 2/, 3/

"Paragraph 4

"Nothing in this Convention shall be interpreted as in any way limiting or detracting from rules of international law, including

"(a) the Charter of the United Nations,

"(b) law applicable to armed conflicts,

"(c) obligations assumed by Parties to the Convention under other international agreements.

"Paragraph 5

"Ten years after entry into force of the Convention, or earlier if requested by a simple majority of States Parties, a Conference of States Parties to the Convention shall be held at Geneva, Switzerland. The Conference shall review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention were being realized. Such review shall take into account any relevant technological developments.

"1/ Objections were raised against the need for this paragraph.

"2/ A view was expressed that this subject might be better dealt with in the preambular part.

"3/ Some delegations were of the view that such an undertaking was outside the purview of this Convention.

"At intervals of not less than five years thereafter, a simple majority of the States Parties to the Convention may obtain by submitting a proposal to this effect to the Depositary, the convening of a Conference with the same objectives.

"If no Conference has been convened pursuant to paragraph 2 of this Article within ten years following the conclusion of a previous Conference, the Depositary shall solicit the views of all States Parties to this Convention, concerning the convening of such a Conference. If one third of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the Conference.

"Paragraph 6

"Each State Party to the Convention undertakes as it considers appropriate to provide or support technical and humanitarian assistance in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, harmed as a result of a violation of the Convention by another State Party or as a result of the use of radiological weapons by a State not party to the Convention.

"For purposes of assistance, the services of appropriate international organizations may also be utilized. 1/

"Paragraph 7

"Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

"An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

"Paragraph 8

"The Secretary-General of the United Nations shall be the Depositary of this Convention.

"V. VERIFICATION AND COMPLIANCE

"Paragraph 1

"Parties to the Convention shall exchange to the fullest possible extent, bilaterally or multilaterally, information necessary to provide assurance of fulfilment of their obligations under the Convention.

"1/ A view was held that, depending upon a decision as to whether the Convention should establish a small secretariat, the services of such a secretariat may also be utilized.

"Paragraph 2

"Parties to the Convention undertake to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of, the provisions of the Convention.

"Consultation and cooperation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Committee of Experts. For these purposes the Depositary shall, within one month of the receipt of a request from any State Party to the Convention, convene a Committee of Experts.

"Paragraph 3

"Each Party to the Convention which has reasons to believe that any other Party to the Convention is acting in breach of the obligations deriving from the provisions of the Convention may lodge a complaint with the Depositary. Such a complaint shall include all relevant information as well as all possible evidence supporting its validity. In order to evaluate such information, the Depositary may convene the Committee of Experts.

"The Depositary, assisted by the Committee of Experts, shall [to the extent possible] conduct an investigation of the alleged facts, whenever the evaluation of the information provided to him indicates that such an investigation is warranted.

"The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all Parties to the Convention and to the Security Council and shall indicate his conclusions and suggestions for possible action. In case of urgency, the Depositary may request the Committee to submit its report within 10 days.

"Paragraph 4

"Each Party to the Convention undertakes to cooperate to the fullest possible extent with the Committee of Experts, in accordance with the provisions of the Charter of the United Nations.

"Paragraph 5

"The functions and rules of procedure of the Committee of Experts mentioned in the above Paragraphs 2, 3, and 4 are set out in the Annex, which constitutes an integral part of the Convention.

"Paragraph 6

"The provisions of Paragraph 3 of this section shall not be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Convention.

"ANNEX

"1. The Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to the Convention by the Party requesting the convening of the Committee. It may be requested by the Depositary to carry out investigations in case of complaints lodged by a Party to the Convention.

"2. The work of the Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of the Annex. In the process of such investigations, including fact-finding, every effort should be made to apply appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development. [The Committee of Experts shall be assisted by the Secretariat located in Geneva, whose functions will include technical and administrative services.]

"3. The Depositary shall:

- compile and maintain a list of qualified experts whose services may be available for the work of the Committee of Experts in accordance with Paragraphs 1 and 2 of the Annex;

- base the list of qualified experts on proposals which had been made to him by Parties to the Convention;

- appoint members of the Committee of Experts from such a list with due regard to ensuring appropriate geographical balance and to the character of the question involved.

"4. The Depositary or his representative shall serve as the Chairman of the Committee.

"5. Each expert may be assisted at meetings by one or more advisers.

"6. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work. Each Party undertakes not to use deliberate concealment measures which impede verification of compliance with the Convention.

"ANNEX II

"Report of Contact Group B

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its 1st meeting on 25 February 1991, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

"2. Contact Group B held eight meetings from 18 March to 12 August 1991. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to guidelines set out during the 1st meeting of the Ad Hoc Committee, Contact Group B used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1990 (CD/1027, Annex II, Attachment). The Contact Group reviewed the possible elements relevant to the prohibition of attacks against nuclear facilities contained therein. A number of modifications were made to the Co-ordinator's record, focused mainly on the questions of Register and Verification and Compliance.

"4. The amended Co-ordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"5. The Co-ordinator's record is not binding upon any delegation and its main purpose is to facilitate future consideration. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION OF ATTACKS AGAINST NUCLEAR FACILITIES [1] [2]

"I. SCOPE

"Paragraph 1

"First alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities covered by this Treaty.

"Second alternative

"Each State Party undertakes never under any circumstances to attack or to threaten to attack any nuclear facility.

"[1] This record does not prejudice the eventual positions of delegations relating to the question of 'linkage', or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

"[2] One delegation stated that, apart from the fact that the elements listed were controversial, the third alternative under Scope, paragraph 1 of the Definitions and the sections on Criteria and Special Marking were not essential to the elaboration of a convention. The section on Special Marking could have been recast within the section on Register. That was not, however, the case of the other elements mentioned, particularly the section on Criteria, which, in its opinion, seemed incompatible with the rule of *jus cogens* in article 2, paragraph 4, of the Charter of the United Nations.

"Third alternative 1/

"Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by this Treaty.

"Paragraph 2

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to act in contravention of this Treaty.

"II. DEFINITIONS

"Paragraph 1

"For the purposes of this Treaty, the term 'attack' means any act by a State which is designed to cause or causes, directly or indirectly:

"(i) any damage to, or the destruction of, a nuclear facility; or

"(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or

"(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

"Paragraph 2

"First alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means: 2/

"(i) Nuclear reactors;

"(ii) Intermediate spent fuel storages;

"1/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 of Definitions, paragraph 1 of Criteria, paragraph 1 to 3, the first alternative of paragraph 4, paragraphs 5 and 6 of Register as well as Special Marking in Paragraph 1 under Other Main Elements constitute one complete and consistent set of elements to be included in a draft Treaty.

"2/ A suggestion was made to add two further categories after '(iii) Reprocessing plants;'

(iv) Nuclear fuel processing plants;

(v) Uranium enrichment plants.

"(iii) Reprocessing plants;

"(iv) Waste deposits, including temporary waste storages;

"(v) Installations for production or use of important and intensive sources of gamma radiation; 1/

"which are included in a Register maintained by the Depositary.

"Second alternative

"A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

"III. CRITERIA

"Paragraph 1

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications: 2/

"(i) They shall be stationary on land; 3/ 4/

"(ii) Nuclear reactors; designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;

"(iii) Intermediate spent fuel storages; designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(v) Waste deposits; containing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(vi) Installations for production or use of intensive sources of gamma radiation; designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6×10^{16} [10^{17}] Bq x Mev.

"1/ A view was expressed that this provision should be further refined.

"2/ Views were expressed that nuclear facilities mentioned in paragraph 2 of Definitions shall be used for peaceful purposes and subject to IAEA safeguards.

"3/ Views were expressed that nuclear facilities stationed in territorial waters and the exclusive economic zones should also be considered.

"4/ Views were expressed that such nuclear facilities should not belong to weapons systems.

"*Paragraph 2*

"*Additional specification suggested to the above specifications*:

"Nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provision of this Treaty.

"IV. REGISTER

"*Paragraph 1*

"The Depositary shall establish, on the basis of initial communications by States Parties, as set out in paragraph 2 below, a comprehensive Register of nuclear facilities covered by this Treaty, and shall maintain this Register on the basis of subsequent communications on changes, as set out in paragraph 5 below.

"Certified copies of the Register shall be transmitted to each State Party ... days after entry into force of the Treaty.

"Certified copies of the Register in its entirety including all modifications shall be transmitted to each State Party at intervals of ... and be available to States Parties at any time in the offices of the Depositary.

"*Paragraph 2*

"States Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Identification of the type of nuclear facility;

"(b) Detailed specifications in accordance with Paragraph 1 of Criteria of this Treaty;

"(c) Details on the exact geographical location of the nuclear facility.

"*Paragraph 3* [1/]

"Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including a mission to the facility, when necessary.

"[1/] A view was expressed that this provision calls for further discussion.

"For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

"For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the cooperation of States Party to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"Paragraph 4

"First alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section, as soon as the information given in the request has been confirmed according to paragraph 3 above, and shall immediately notify States Parties to the Treaty of the aforesaid inclusion.

"Second alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section and shall immediately notify States Party to the Treaty of the aforesaid inclusion.

"Paragraph 5

"A State Party shall inform the Depositary, within ... days/months, of any change in the information it had provided for inclusion in the Register. Upon the receipt of such information, the Depositary shall act, *mutatis mutandi*, in accordance with the procedures outlined in paragraphs 3 and 4 of this section.

"Paragraph 6 1/

"The costs for implementing these procedures shall be borne by the requesting State.

"V. VERIFICATION AND COMPLIANCE

"Paragraph 1

"States Parties to this Treaty shall make every possible effort to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

"1/ There was general agreement that the modalities as well as the placement of this provision should be further discussed.

"*Paragraph 2*

"A State Party may lodge a complaint with the Depositary in case it believes that any other State Party is in breach of obligations deriving from this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

"*Paragraph 3*

"*First alternative*

"Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"*Second alternative*

"Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation shall include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"*Paragraph 4*

"For purposes of carrying out a fact-finding mission the Depositary shall maintain a list of qualified experts, selected on as wide a geographical basis as possible, whose services may be available to undertake such missions.

"*Paragraph 5*

"States Parties undertake to cooperate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the States Parties of the results of the investigation. A copy of the report on the investigation shall be transmitted also to the Security Council and the General Assembly of the United Nations.

"*Paragraph 6*

"*First alternative*

"The Depositary shall, upon request of a State Party, convene the Conference of States Parties to consider the report on the investigation as well as possible courses of action.

"*Second alternative*

"The Depositary shall immediately convene the Conference of States Parties to consider the report on the investigation and to adopt such measures as may be appropriate.

"Paragraph 7

"First alternative

"The continuing application of IAEA safeguards at a nuclear facility will form an essential part of the arrangements to verify that the facility is a peaceful nuclear facility within the meaning of the Treaty. 1/, 2/

"Second alternative

"The determination that a facility is and remains a peaceful nuclear facility within the meaning of the Treaty shall be made by the application of IAEA safeguards. 1/, 2/

"Third alternative

"The application of IAEA safeguards to a nuclear facility shall be of no relevance to the verification of compliance with obligations assumed by States Parties to this Treaty.

"VI. OTHER MAIN ELEMENTS

"Paragraph 1

"A State Party may mark its nuclear facilities included in the Register with Special Marking.

"Paragraph 2 3/, 4/, 5/

"States Parties undertake to provide or support assistance to any State Party harmed as a result of the violation of the Treaty.

"1/ It was stated that the application of IAEA safeguards was irrelevant to the objectives of this Treaty and that if anyway addressed, the issue belonged under the provisions for inclusion in the Register.

"2/ The view was expressed that the application of IAEA safeguards could not verify that a nuclear facility was a peaceful one but rather that nuclear material remained in peaceful use.

"3/ A view was expressed that the obligation of States Parties to provide assistance was limited to the radiological damage caused by an attack.

"4/ Views were expressed that the assistance to be provided or supported to any harmed State Party should not be limited to cases of violations by States Parties, but should also cover harm inflicted by attacks from States not party to the Convention.

"5/ Views were expressed that there should be no mandatory obligation of States Parties to provide assistance.

"Paragraph 3

"Provisions of this Treaty are without prejudice to the obligations of State Parties undertaken in other international instruments relevant to the subject of this Treaty.

"Paragraph 4

"The Secretary-General shall be designated as Depositary of this Treaty."

96. The Conference continued to consider the question of new types of weapons of mass destruction and new systems of such weapons at its plenary meetings. At the 578th plenary meeting on 24 January 1991, the President suggested that the Conference keep under review, with expert assistance, as appropriate, the prohibition of the development and manufacture of such weapons and their systems with a view to making, when necessary, recommendations on undertaking specific negotiations on the identified types of such weapons. This procedure met with no objection.

97. Some delegations belonging to the Group of East European and other States and some members of the Group of 21 maintained their support for the proposal to convene a group of qualified experts with a view to identifying any new types of weapons of mass destruction and making, as appropriate, recommendations on undertaking specific negotiations on the identified types of such weapons. Western delegations maintained their view that as no new types of weapons of mass destruction had been identified since 1948 nor was their existence imminent, the practice followed thus far of making plenary statements and holding informal meetings of the Conference from time to time was the most appropriate one to deal with this question.

H. Comprehensive Programme of Disarmamemt

98. Bearing in mind the conclusions reached by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in its report to the Conference on Disarmament in 1989 to the effect that "it should resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard" (CD/955, para. 7), the Conference continued to consider the question of the Comprehensive Programme of Disarmament at its plenary meetings.

99. In conformity with the decision taken by the Conference at its 1990 session on its improved and effective functioning (CD/1036), at the 584th plenary meeting on 21 February 1991, the President of the Conference appointed Ambassador Marín Bosch of Mexico as Special Co-ordinator charged with seeking consensus on an appropriate organizational arrangement for agenda item 8. The Special Co-ordinator conducted informal consultations throughout the 1991 session and reported to the Conference that, as there had been no significant changes in the positions of delegations (see CD/PV.603), those consultations had been inconclusive.

100. The Group of 21 stated again that it had always attached great importance to the conclusion of the comprehensive programme of disarmament. In its view, consultations carried out at the beginning of the 1991 session of the

Conference on Disarmament indicated that, even though consensus was elusive on this matter, a majority of members of the Conference would favour the continuation and conclusion of the work on item 8 of the agenda. It felt that the trend that seemed to prevail in the Conference, when assessing the present international situation, indicated that circumstances were considered propitious for progress in disarmament negotiations and the comprehensive programme should not be considered an exception. Moreover, recent statements on the future of the Conference's work would suggest that matters of concern to some delegations already had an adequate context in which to be pursued and enough background work from which to benefit. It was of the view that the guidelines derived from General Assembly resolutions were adequate for the pursuance of the conclusion of the comprehensive programme of disarmament, as indicated in General Assembly resolution 45/62 E, which "requests the Conference on Disarmament to re-establish, at the beginning of its 1991 session, the Ad Hoc Committee on the Comprehensive Programme of Disarmament". The Group of 21 expressed its firm adherence to the above-mentioned request.

101. The Group of Western States pointed to the 1989 report to the Conference on Disarmament of the Ad Hoc Committee on the Comprehensive Programme of Disarmament which noted in its consensus conclusions that the Ad Hoc Committee should "resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard". The Western Group of countries expressed its belief that circumstances were not more conducive to making progress on a comprehensive programme of disarmament during the 1991 session of the Conference than they were in 1989. Furthermore, the Western Group considered that the practice adopted by the Conference in 1990, whereby the comprehensive programme of disarmament was considered at plenary meetings of the Conference on Disarmament, continued to be the most appropriate procedure to follow with regard to the comprehensive programme of disarmament in 1991. The Group also made reference to United Nations General Assembly resolution 45/62 E, dealing with the issue of the comprehensive programme of disarmament. The Western Group drew the Conference's attention to the several negative votes, and even more abstentions, recorded for resolution 45/62 E during the 1990 regular session of the United Nations General Assembly. It considered this result at variance with the high levels of support recorded in earlier years for resolutions on this question and felt that this fact served to demonstrate clearly that there was no consensus on this question.

102. Some delegations belonging to the Group of East European and other States stressed again the importance they had always attached to the question of the comprehensive programme of disarmament. These delegations viewed the programme as an appropriate approach to general disarmament matters. They believed that the Conference on Disarmament should make an important contribution to the success of the Third Disarmament Decade. Noting the conclusions mentioned above that had been drawn by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in 1989, they expressed the view that the Conference should do some additional work and conduct productive discussions about concrete future activity of the Ad Hoc Committee on the Comprehensive Programme of Disarmament before its re-establishment.

103. One State, not member of any group, reiterated the importance it, too, attached to item 8 on the Conference's agenda. With respect to the conclusions drawn by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in its report of 1989, it stressed that it believed that the current situation was favourable for the resumption of work on the Programme. That State also was of the view that the conclusion of the Programme would contribute to the success of the Third United Nations Disarmament Decade. It also reiterated its support for the proposal of the Group of 21, based on General Assembly resolution 45/62 E, that the Conference on Disarmament re-establish the Ad Hoc Committee on the Comprehensive Programme of Disarmament during its 1991 session.

104. It was agreed that the organizational framework to deal with this agenda item, as in the case of other agenda items, be considered at the beginning of the 1992 session.

I. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

105. During its 1991 session, the Conference also had before it the following documents:

(a) Document CD/1041, dated 11 October 1990, submitted by the delegation of Canada, transmitting the Second and Fifth Publications issued by The Arms Control Verification Unit of the Department of External Affairs and International Trade entitled "Verification of a Central American Peace Accord" and "Security Considerations and Verification of a Central American Arms Control Regime".

(b) Document CD/1095, dated 7 August 1991, submitted by the delegation of Canada, transmitting The Arms Control Verification Occasional Paper No. 6, entitled "Overhead Imaging for Verification and Peacekeeping: Three Studies".

J. Consideration and adoption of the Annual Report of the Conference and any other Report as Appropriate to the General Assembly of the United Nations

106. The annual report to the forty-sixth session of the General Assembly of the United Nations, as adopted by the Conference on 4 September 1991, is transmitted by the President on behalf of the Conference on Disarmament.

Horacio Arteaga
Venezuela
President of the Conference

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